IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL APPEAL NO. 200004 OF 2025 (U/S 14 (A))

BETWEEN:

PRAJWAL @ PUTTU
S/O SHIVAPUTRA MADANKAR,
AGE: 21 YERAS, OCC: STUDENT,
R/O. CHINCHANSUR, TQ.ALAND,
DIST. KALABURAGI,
NOW RESIDING AT TELKAR COLONY,
KALABURAGI - 585106

...APPELLANT

(BY SRI MARTHANDAPPA MALLESHAPPA ALLUR, ADVOCATE)

AND:

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

1. THE STATE THROUGH UNIVERSITY PS
   KALABURAGI
   REPRESENTED BY ADDL. SPP,
   HIGH COURT OF KARNATAKA
   KALABURAGI BENCH – 585107

2. SMT. SHOBHA W/O NAGENDRA MALLABADI
   AGE: 47 YEARS, OCC: HOUSEHOLD,
   R/O. NAGANHALLI,
   TQ. AND DIST. KALABURAGI-585106.

...RESPONDENTS

(BY SRI VEERANAGOUDA MALIPATIL, HCGP FOR R1
SRI CHAITANYAKUMAR C.M, ADVOCATE FOR R2)

THIS CRL.A IS FILED U/SEC. 14(A)(2) OF SC/ST (PA) ACT, PRAYING TO ALLOW THE CRIMINAL APPEAL FILED BY THE APPELLANT/ ACCUSED NO.3 U/S 14(A)(2) OF SC/ST P.A. ACT AND RELEASE HIM ON BAIL IN CR.NO.229/2024 OF UNIVERSITY P.S. NOW PENDING ON THE FILE OF II ADDL. DIST. AND SESSIONS JUDGE AT KALABURAGI IN SPL. CASE (SC/ST) NO.94/2024 FOR THE ALLEGED OFFENCES PUNISHABLE U/S 189(2), 191(2)(3), 115(2),118(1), 109, 352, 103(1) R/W 190 OF BNS, 2023 AND U/S 3(1)(r)(s) AND 3(2)(v) OF SC/ST P.A. ACT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY)

1. Accused No.3 in Special Case (SC/ST) No.94/2024 pending before the court of II Addl. District & Sessions Judge, Kalaburagi, arising out of Crime No.229/2024 registered by University Police Station, Kalaburagi for offenses punishable under sections 189(2), 191(2)(3), 115(2), 118(1), 109, 352, 103(1) r/w 190 of Bharatiya Nyaya Sanhita 2023 and under section 3(1)(r)(s) & 3(2)(v) of SC/ST P.A Act, 1987, is before this Court in appeal filed under Section 14(A)(2) of SC/ST P.A Act

assailing the order dated 30.12.2024 passed by the court of II Addl. District & Sessions Judge, Kalaburagi, in Special Case (SC/ST) No.94/2024 wherein the application filed by the appellant under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023, seeking regular bail has been rejected.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.229/2024 was registered by University Police Station for the offences punishable under sections 189(2), 191(2)(3), 115(2), 118(1), 109, 352, r/w 190 of Bharatiya Nyaya Sanhita 2023 against one Varun Kumar and five others on the basis of the first information dated 21.09.2024 received from respondent No.2 herein who is the mother of deceased Sumeet. Appellant herein is arrayed as accused No.3 in the FIR. During the course of investigation, he was arrested on 22.09.2024 and subsequently remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed against eight persons and appellant is arrayed as accused

No.3 in the charge sheet. Bail application filed by the appellant before the trial court in Special Case (SC/ST) No.94/2024 was rejected on 30.12.2024. Therefore, he is before this court in this appeal.

4. Learned counsel for the appellant having reiterated the grounds urged in the appeal, has prayed to allow the appeal.

5. Per contra, learned High Court Government Pleader and learned counsel appearing for respondent No.2 have opposed the prayer made in the appeal and submits that appellant was present along with the other accused persons at the spot of crime and all the accused persons had arrived at the spot of crime with a common intention. Accordingly prays to dismiss the appeal.

6. Perusal of the material available on record would go to show that first informant's son Sachin was in love with the accused No.7 – Vaishnavi, who is the sister of accused No.1-Varun Kumar. Accused No.1 and his family members

were opposing the relationship and therefore there was a fight between the two families on 19.09.2024. On 20.09.2024, accused No.1 along with accused Nos.2 to 4 and accused No.8 had arrived near the house of first informant in an auto-rickshaw and asked the first informant to produce her son Sachin before them. At that time, accused Nos.5, 6 & 7 also arrived near the house of first informant. It is alleged that the accused persons quarreled with the first informant and assaulted her. At that time, deceased Sumeet who is the younger son of first informant tried to interfere and all the accused persons allegedly assaulted him with their hands. Accused No.1 asked accused No.2 to bring the knife which was kept in the auto-rickshaw in which they had arrived. Accordingly accused No.2 brought the knife which was kept in the auto-rickshaw and accused No.1 assaulted Sumeet with the said knife and as a result Sumeet who suffered grievous injury fell down on the ground. He was subsequently shifted to a government hospital at Kalaburagi. But he died on 21.09.2024. Allegation of

assaulting deceased Sumeet with the knife is only as against accused No.1. Accused No.3 allegedly had assaulted deceased with his hands. Undisputedly accused No.3-appellant has no other criminal antecedent and he is in custody from 22.09.2024. Investigation of the case is completed and charge sheet has been filed. Therefore, I am of the opinion he has made out a *prima facie* case for grant of regular bail needs to answered affirmatively. Accordingly, the following order:

ORDER

Criminal Appeal is allowed.

The order dated 30.12.2024 passed by the court of II Addl. District & Sessions Judge, Kalaburagi, in Special Case (SC/ST) No.94/2024 wherein the application filed by the appellant under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023, seeking regular bail, is hereby set aside.

Appellant-accused No.3 is directed to be enlarged on bail in Special Case (SC/ST) No.94/2024 pending before the court of II Addl. District & Sessions Judge, Kalaburagi, arising out of Crime No.229/2024 registered by University Police Station, Kalaburagi for offenses punishable under sections 189(2), 191(2)(3), 115(2), 118(1), 109, 352, 103(1) r/w 190 of Bharatiya Nyaya Sanhita 2023 and under section 3(1)(r)(s) & 3(2)(v) of SC/ST P.A Act, 1987, subject to the following conditions:

a) The appellant-accused No.3 shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The appellant-accused No.3 shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The appellant-accused No.3 shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The appellant-accused No.3 shall not involve in similar offences in future;

e) The appellant-accused No.3 shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

DHA
List No.: 1 Sl No.: 12
CT:PK