



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 28TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200080 OF 2025

(439(Cr.PC)/483(BNSS))

BETWEEN:

MAHANTESH @ MANTU S/O BABU LAMANI,
AGE: 26 YEARS, OCC: AGRICULTURE,
R/O. CHIMMALAGI BHAG-2 TANDA,
TQ. NIDAGUNDI, DIST. VIJAYAPURA- 586101

...PETITIONER

(BY SRI SANJAY A. PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA THROUGH,
NIDAGUNDI POLICE STATION, NIDAGUNDI CIRCLE,
DIST.VIJAYAPURA – 586101.,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH.

...RESPONDENT

(BY SMT. MAYA T.R., HCGP)

THIS CRL.P IS FILED U/S. 439 OF CR.P.C (OLD) U/S 483 OF BNSS(NEW), PRAYING TO ALLOW THE PETITION, THERE BY ENLARGE THE PETITIONER/ACCUSED NO.5 ON BAIL IN SC NO. 197/2024 PENDING ON THE FILE OF IV ADDL. DISTRICT AND SESSIONS JUDGE VIJAYAPURA, DISTRICT VIJAYAPURA CHARGE SHEETED FOR THE OFFENCES PUNISHABLE U/SEC. 143, 147, 148, 447, 323, 324, 307, 302, 504, 506 R/W 149 OF

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



IPC ARISING OUT OF CRIME NO. 51/2024 REGISTERED BY
NIDAGUNDI POLICE STATION, DISTRICT VIJAYAPURA.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

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

1. The accused No.5 in Crime No.51/2024 registered by Nidagundi Police Station, Vijayapura district, for the offences punishable under Sections 143, 147, 148, 447, 323, 324, 307, 302, 504 and 506 read with Section 149 of IPC, is before this Court under Section 483 of Bharatiya Nagarika Suraksha Sanhita, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.51/2023 was registered by the Nidagundi Police Station, Vijayapura district, for the aforesaid offences against Sri. Ramu Sagarappa Lamani and 11 others on the basis of the first information dated 30.05.2024 received from Krishna son of deceased Hanamant Lamani. During the course of investigation, the



petitioner herein who was arraigned as accused No.5 in the FIR was arrested on 02.06.2024. The investigation of the case is completed and the charge-sheet has been filed against 13 persons. The petitioner is arraigned as accused No.5 in the charge-sheet. The bail application filed by the petitioner before the jurisdictional Sessions Court in Crl. Misc. No.1777/2024 was rejected on 09.01.2025. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that, the petitioner is an agriculturist having no other criminal antecedents. The allegation against the petitioner is that, he had assaulted the deceased with stone on his chest. The death of the deceased who was aged about 80 years was as a result of assault made on his head. The accused Nos.9 and 13 have been granted regular bail by this Court in Criminal Petition No.201546/2024. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition and does not dispute the submissions made by the learned counsel for the petitioner.



6. A perusal of the material on record would go to show that, there is a civil dispute between the two parties and on 29.05.2024 there was a quarrel between the accused Nos.1 and the relatives of the first informant and accused No.1 was allegedly assaulted in the said incident. Therefore, accused No.1 conspired with the other accused and in furtherance of such conspiracy the accused persons came near the house of the first informant at about 20:00 hours on 29.05.2024 and after abusing the first informant and his family members, assaulted them. The allegation of assaulting the deceased Hanamant aged about 80 years, with a wooden club on his head is against accused Nos.1 to 3. The accused Nos.5 and 9 allegedly assaulted the deceased on his chest with stone. The postmortem report of the deceased would go to show that, the death was as a result of head injury sustained by him. As a result of assault made by the accused Nos.5 and 9 on the chest of the deceased, he had suffered only flattened abrasions. The petitioner is in custody for the last six months and undisputedly, he has no other criminal antecedents. The investigation of the case is



completed and the charge-sheet has been filed. Under the circumstances, I am of the opinion that, the prayer made by the petitioner in the petition needs to be answered affirmatively. Accordingly, the following order:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.51/2024 of Nidagundi Police Station, Vijayapur district, registered for the offences punishable under Sections 143, 147, 148, 447, 323, 324, 307, 302, 504, 506 read with Section 149 of IPC, pending in S.C.No.197/2024 on the file of learned IV Additional District and Sessions Judge, Vijayapura, subject to the following conditions:

- a) The petitioner 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 petitioner 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 petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner 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