IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL APPEAL NO.200028 OF 2025 (U/S 14 (A))

BETWEEN:

1. CHANDRASHEKHAR PATIL S/O MALLINATH PATIL,
   AGE: 33 YEARS, OCC: BLOOD BANK OWNER
   R/O. SONTH VILLAGE, NOW AT KHUBA PLOT,
   KALABURAGI–585103.

2. ADITYA @ ADESH S/O SHIVAJI RAO THUKALE,
   AGE: 25 YEARS, OCC: TECHNICIAN,
   R/O. KAMALA NAGAR, TQ. AWARAD (B),
   NOW AT KALABURAGI.

3. OMPRAKASH S/O BALAJI RAO GORAWADI,
   AGE: 20 YEARS, OCC: STUDENT,
   R/O. LADA, TQ.BHALKI, DIST. BIDAR.

4. RAHUL PATIL S/O RAJASHEKHAR PATIL,
   AGE: 19 YEARS, OCC: STUDENT (B.E.),
   R/O. SONTH VILLAGE, NOW AT PRAGATI COLONY,
   KALABURAGI.

5. ASFAQ AHMED S/O HASSAN PATEL,
   AGE: 25 YEARS, OCC: LEARNING TECHNICIAN,
   R/O. SANTRASWADI, KALABURAGI.

6. VEERENDRA S/O AMARANATH PATIL,
   AGE: 25 YEARS, OCC: AGRICULTURE,
   R/O. SONTH VILLAGE, TQ.KAMALAPUR,
   DIST. KALABURAGI.

...APPELLANTS

(BY SRI RAJESH DODDAMANI, ADVOCATE)

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   M B NAGAR POLICE STATION,
   KALABURAGI CITY,
   NOW REPRESENTED BY,
   THE ADDITIONAL STATE PUBLIC PROSECUTOR,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH–585102.

2. MALLIKARJUN S/O RANAPPA NATIKAR,
   AGE: 48 YEARS, OCC: WARD BOY,
   BASAVESHWAR HOSPITAL,
   R/O H.NO.2-907/76/ PLOT NO.146,
   PRAGATI COLONY, KALABURAGI-585103.

…RESPONDENTS

(BY SMT. ANITA M. REDDY, HCGP FOR R1;
R2 SERVED)

THIS CRL.A IS FILED U/SEC. 14-A (2) OF SC/ST (PA) ACT, PRAYING TO SET ASIDE THE ORDER DATED 18.01.2025 PASSED BY THE HON'BLE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, KALABURAGI CRIMINAL MISC.NO. 2138/2024 AND CONSEQUENTLY ENLARGE THE APPELLANTS/ A-1 TO 6 (AS PER FIR) IN CONNECTION WITH CRIME NO. 130/2024 OF M B NAGAR POLICE STATION REGISTERED FOR THE OFFENCES PUNISHABLE U/S SECTION 189(2), 191(2), 191(3), 103, 115(2), 118(1), 127(2), 352, 351(2), 351(3) READ WITH SECTION 190 OF BHARATIYA NYAYA SANTHITA (BNS) 2023 AND SECTION 3(1)(r), 3(1)(s), 3(2)(v) OF SC/ST (PA) ACT, 1989, NOW PENDING ON THE FILE OF HON'BLE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, KALABURAGI IN CRIME NO.130/2024.

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)

This appeal under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act 1989, is filed by accused Nos.1 to 6 assailing the order dated 18.01.2025 passed by the Court of II Additional District and Sessions Judge, Kalaburagi in Crl.Misc.No.2138/2024 and seeking to enlarge them on regular bail in Crime No.130/2024 registered by M.B. Nagar Police Station, Kalaburagi City, for the offences punishable under Sections 189(2), 191(2), 191(3), 103, 115(2), 118(1), 127(2), 352, 351(2), 351(3) read with Section 190 of BNS, 023 and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (POA) Act, 1989.

2. Heard the learned Counsel for the appellants and learned High Court Government Pleader for respondent No.1. Respondent No.2 though served in the matter, has remained unrepresented before this Court.

3. FIR in Crime No.130/2024 was registered by M.B.Nagar Police Station, Kalaburagi, for the aforesaid offences against the appellants herein on the basis first information on 13.12.2024 received from respondent No.2, who is the father of deceased Shashikant. During the course of investigation of the case, accused No.1 and 4 were arrested on 16.12.2024, accused Nos.2, 3 and 5 were arrested on 13.12.2024 and accused No.6 was arrested on 18.12.2024. Investigation of the case is completed and charge sheet has been filed against six accused persons. The bail application filed by the appellants before the jurisdictional Sessions Court in Crl.Misc.No.2138/2024 was rejected on 18.01.2025. Therefore, they are before this Court.

4. Learned Counsel for the appellants submits that the final opinion as to the cause of death of deceased would go to show that death was not due to the alleged assault made by appellants/accused persons. The appellants do not have any other criminal antecedents.

The deceased had suffered contusion wounds on his body and said injuries are simple in nature. Investigation of the case is completed. Accordingly, he prays to allow the appeal.

5. Per contra, learned High Court Government Pleader for respondent No.1, who has opposed the prayer made in the appeal, however, does not dispute the submission made by the learned counsel for the appellants. The deceased had suffered ten injuries and the first informant has stated that deceased and the injured were assaulted by accused persons inside the blood bank of accused No.1 and the deceased had collapsed when he was being taken by his parents from the place where he was assaulted and therefore, there is nexus between the death of the deceased and assault made by the accused persons. Accordingly, she prays to dismiss the appeal.

6. Perusal of the material available on record would go to show that Akash, who was the friend of

Shashikant was an employee in the blood bank of accused No.1 and at the request of Akash, deceased Shashikant used to go to the blood bank to sleep during night hours. On 12.12.2024, the first informant allegedly received a phone call from his son and he asked him to come near the blood bank. At about 5.20 p.m. the first informant and his wife went near the blood bank and found his son Shashikant and Akash being assaulted by the persons named in the first information and on enquiry, he came to know that on the allegation of committing theft of 40 packs of cigarettes, which were kept in the blood bank, the accused persons were assaulting Shashikant and his friend Akash with belt, sugarcane and wooden stick. Thereafter, the first informant and his wife took Shashikant along with them from the blood bank and on their way back to their house, Shashikant collapsed on the road and immediately thereafter he was shifted to a hospital, but he was declared dead in the hospital and therefore, the first informant had approached the police at about 00.30 hours on 13.12.2024. The postmortem report of deceased

Shashikant would go to show that he had suffered contusion injuries over his body and in the final opinion, the cause of death of Shashikant mentioned that death was due to coronary artery disease associated with multiple contusion injuries sustained. The wound certificate of the injured Aakash would go to show that he has suffered only simple injuries as a result of assault made by the accused persons. Akash as well as deceased Shashikant were together assaulted by the accused persons inside the blood bank by using the very same weapons. Undisputedly, the appellants do not have any criminal antecedents. Investigation of the case is completed and charge sheet has been filed.

7. Under the circumstances, I am of the view that without expressing any opinion on merits and demerits of the case, the prayer made by the appellants for grant of regular bail is required to be answered affirmatively. Accordingly, following order is passed:

ORDER

The appeal is allowed.

The impugned order passed by the Court of II Additional District and Sessions Judge, Kalaburagi in Crl.Misc.No.2138/2024 dated 18.01.2025 is set aside.

The appellants/accused Nos.1 to 6 are directed to be enlarged on bail in Crime No.130/2024 of M.B.Nagar Police Station, Kalaburagi City, registered for the offences punishable under Sections 189(2), 191(2), 191(3), 103, 115(2), 118(1), 127(2), 352, 351(2), 351(3) read with Section 190 of BNS, 2023 and under Sections 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (POA) Act, pending before the Court of II Additional District and Sessions Judge, Kalaburagi, subject to the following conditions:

a) Appellants shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) Appellants shall appear regularly on all the dates of hearing before the Trial Court unless the Trial

Court exempts their appearance for valid reasons;

c) Appellants shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Appellants shall not involve in similar offences in future.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

TMP/SRT
List No.: 1 Sl No.: 10
CT:PK