NC: 2025:KHC-K:915
CRL.P No. 200121 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 10TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO.200121 OF 2025

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

BETWEEN:

MUJAMIL S/O HASIMKHADRI INAMDAR,
AGE: 22 YEARS, OCC: LABOUR,
R/O. INAMDAR COLONY,
NOW AT SIDDAGANGA SCHOOL
KANAKADAS BADAVANE VIJAYAPURA,
DIST.VIJAYAPURA – 586101

…PETITIONER

(BY SRI SANJAY A. PATIL, ADVOCATE)

AND:

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA
THROUGH APMC POLICE STATION,
GOLGUMBAZ CIRCLE
DIST.VIJAYAURA - 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 THEREBY ENLARGE THE PETITIONER/ACCUSED NO.2 ON BAIL IN CRIME NO.47/2024 REGISTERED BY APMC POLICE STATION,

VIJAYAPURA DISTRICT VIJAYAPURA, AND CHARGE SHEETED FOR THE OFFENCES PUNISHABLE SECS. 109, 120-B, 302, 201 R/W 149 OF IPC, PENDING IN CC NO.1846/2024 ON THE FILE OF I ADDL. SENIOR CIVIL JUDGE AND CJM COURT, 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)

Accused No.2 in Crime No.47/2024 registered by APMC Police Station, Vijayapura, for the offences punishable under Sections 109, 120B, 302, 201 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 47/2024 was registered by APMC Police Station, Vijayapura, initially for the offences punishable under Sections 302, 201 read with Section 34 of IPC, against one Khalid Inamdar and others on the basis

of the first information dated 19.05.2024, received from Sri. Ganesh Pawar, the brother of deceased Rohit. During the course of investigation of the case, the petitioner herein who was arrayed as accused No.2 in the FIR was arrested on 21.05.2024 and subsequently remanded to judicial custody. The investigation of the case is completed and the charge-sheet has been filed and in the charge-sheet, the petitioner is arrayed as accused No.2. His bail application filed before the jurisdictional Sessions Court in Criminal Misc. No.1693/2024 was rejected on 16.11.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that, the petitioner is a youngster aged about 22 years having no other criminal antecedents. He is in the custody for the last more than eight months. The investigation of the case is completed and the case of the prosecution is based on the circumstantial evidence. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition. She submits that, there are strong circumstances as against the accused person. The sample of finger print that was secured in the present case is matching with the finger print of the petitioner and his footwear also was found at the spot of the crime. The petitioner had a strong motive to commit the murder of the deceased. Accordingly, she prays to dismiss the petition.

6. FIR in the present case was registered against Khalid Inamdar and others on the basis of the first information dated 19.05.2024 received from Ganesh, who is the brother of deceased Rohit. In the first information, it is averred that Rohit, who had left the house on 18.05.2024 at about 10.00 a.m. had not returned home on the said day. At about 2.30 a.m. on 19.05.2024, first informant allegedly received a phone call from his relative, who informed him that Khalid Inamdar and others had committed the murder of Rohit. Thereafter, the first

informant and his relatives went to the spot of crime and after seeing the dead body of Rohit, the first informant had approached the police and based on his first information, FIR was registered against three named accused and others. During the course of investigation, the petitioner herein, who is accused No.2 in the FIR was arrested on the 21.05.2024. The investigation of the case is completed and charge sheet has been filed. The entire case of the prosecution is based on circumstantial evidence. The allegation against the accused persons named in the charge sheet is that accused No.2 had borrowed a sum of Rs.2,00,000/- from Rohit and accused No.3 had borrowed a sum of Rs.88,000/- from Rohit and they were not regularly paying the interest to Rohit on the borrowed amount. Rohit was demanding repayment and it is in this background, accused Nos.2 to 4 along with the juvenile accused conspired to commit the murder of Rohit and accordingly, informed accused No.1, who promised to help them to commit the murder of Rohit. In furtherance of such conspiracy, on 18.05.2024, accused Nos.2 to 5

after making Rohit to consume alcohol, allegedly had assaulted him and committed his murder. Accused No.3 allegedly had thrown chilly powder on the eyes of Rohit and accused Nos.2, 4 and the juvenile accused had assaulted him with beer bottle and knife and committed his murder. The petitioner aged about 22 years, having no other criminal antecedents, is in custody for the last more than eight months. The investigation of the case is completed and charge sheet has been filed. The prosecution in all has cited 58 charge sheet witnesses in the present case. The trial in the case is yet to commence.

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

ORDER

The petition is allowed.

The petitioner/accused No.2 is directed to be enlarged on bail in Crime No.47/2024 of APMC Police Station, Vijayapur, registered for the offences punishable under Sections 109, 120-B, 02, 201 read with Section 149 of IPC, pending on the file of learned I Additional Senior Civil Judge and CJM, Vijayapur in C.C.No.1846/2024, subject to the following conditions:

a) 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) 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) Petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Petitioner shall not involve in similar offences in future;

e) 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

SVH/SRT
List No.: 1 Sl No.: 22
CT:PK