IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200199 OF 2025

(438(Cr.PC)/482(BNSS))

BETWEEN:

1. MOHAMMED IBRAHIM
   S/O MOINUDDIN MIRCHI
   AGED ABOUT 54 YEARS, OCC: BUSINESS
   R/O. 4/11 NATIKAR GALLI, TIPUSULTAN CHOWK,
   JEWARGI TQ. JEWARGI, DIST. KALABURAGI-585310.

2. MOHAMMED IMRAN S/O MAHIBOOB SAB,
   AGED ABOUT 35 YEARS, OCC: PRIVATE JOB,
   R/O. NEAR MAHALAXMI TEMPLE,
   TALWAR GALLI, JEWARGI, TQ. JEWARGI,
   DIST. KALABURAGI 585310.

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3. MOHAMMED IDRIS
   S/O MOHAMMED IBRAHIM MIRCHI,
   AGED ABOUT 27 YEARS, OCC: BUSINESS,
   R/O. KHAN BUILDING TIPPU SULTAN CHOWK,
   JEWARGI, DIST. KALABURAGI-585310.

4. MOHAMMED IMTIYAZ
   S/O MOHAMMED IBRAHIM,
   AGED ABOUT 33 YEARS, OCC: BUSINESS,
   R/O. KHAN BUILDING TIPPU SULTAN CHOWK,
   JEWARGI, DIST. KALABURAGI-585310.

5. SAYEED AHMED
   S/O FAREED AHMED,
   AGED ABOUT 35 YEARS, OCC: PRIVATE JOB

R/O. H. NO. 874 SHASTRI CHOWK, JEWARGI,
TQ. JEWARGI, DIST. KALABURAGI – 585310.

6. AMBRESH S/O HALAPPA SHAKAPUR,
AGED ABOUT 41 YEARS, OCC: PRIVATE JOB,
R/O. SHANTNAGAR KHAJA COLONY, JEWARGI,
TQ. JEWARGI, DIST. KALABURAGI – 585310.

7. RAJU RATHOD S/O HOBU RATHOD,
AGED ABOUT 30 YEARS, OCC: JCB OPERATOR,
R/O. VILLAGE REVANOOR,
TQ. JEWARGI DIST. KALABURAGI – 585310.

8. LAXMAN RATHOD S/O HOBU RATHOD,
AGED ABOUT 24 YEARS, OCC: BUSINESS,
R/O. VILLAGE REVANOOR,
TQ. JEWARGI, DIST. KALABURAGI – 585310

9. AWAIZ S/O AZEEMUDDIN,
AGED ABOUT 27 YEARS, OCC: PRIVATE JOB
R/O. SHASTRI CHOWK, JEWARGI,
TQ. JEWARGI, DIST. KALABURAGI 585310.

…PETITIONERS

(BY SRI ABDUL MUQHTADIR AND
SRI FARHAT SULTANA AND
SRI PRAKRITI BORALKAR, ADVOCATES)

AND:

STATE OF KARNATAKA,
THROUGH JEWARGI PS,
REPRESENTED BY ADDL. SPP,
HIGH COURT OF KARNATAKA,
BENCH KALABURAGI,
KALABURAGI-585105,

…RESPONDENT

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P IS FILED U/S. 438 OF CR.P.C (OLD), U/S. 482 OF BNSS (NEW), PRAYING TO DIRECT THE RESPONDENT JEWARGI POLICE STATION, TO RELEASE THE PETITIONERS ON THE BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO. 0290/2024 FOR THE OFFENCE UNDER SECTION 115(2), 118(1), 189(2), 190, 191(2), 193(3), 308(2), 324(5), 329(4), 351(2), AND 352 OF THE BHARATIYA NAYAYA SANHITA 2023 PENDING BEFORE THE HON'BLE COURT OF SENIOR CIVIL JUDGE AND JMFC COURT JEWARGI KALABURAGI DIST.

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 Nos.1 to 9 in Crime No.290/2024 registered by Jewergi Police Station, Kalaburagi for the offences punishable under Sections 115(2), 118(1), 189(2), 190, 191(2), 193(3), 308(2), 324(5), 329(4), 351(2), 352 of BNS, 2023, are before this Court under Section 482 of BNSS, 2023, seeking anticipatory bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime No.290/2024 was registered by Jewargi Police Station, Kalaburagi, against the petitioners

herein and others for the aforesaid offences on the basis of the first information dated 19.11.2024 received from Umme Salma w/o Abdul Gani Mirchi. Apprehending arrest in the said case petitioners had filed Crl.Misc.No.1987/2024 before the Court of V Addl. District & Sessions Judge (Spl. Court), Kalaburagi, which was rejected on 06.12.2024. Therefore, they are before this Court.

4. Learned Counsel for the petitioner submits that injured has suffered only simple injuries in the incident in question, petitioners do not have any criminal antecedents. There is a delay of two days in filing the FIR. Accordingly, he prays to allow the petition.

5. Learned HCGP who has opposed the petition does not dispute the submission made on behalf of the petitioners.

6. Perusal of the material on record would go to show that the alleged incident in question had taken place

on 17.11.2024 at about 14.00 hours and the first information was belatedly submitted on 19.11.2024 at about 16.30 hours. There is a delay of more than two days in submitting the first information in the present case. It is not in dispute that petitioners do not have any criminal antecedents.

7. Learned HCGP who has secured the wound certificate of the injured in the present case has fairly submitted that the injured have suffered only simple injuries in the incident in question. Considering the aforesaid aspect of the matter, I am of the opinion that the prayer made by the petitioner for grant of anticipatory bail needs to be answered affirmatively. Accordingly, the following order:

ORDER

i. The petition is allowed.

ii. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioners/accused Nos.1 to 9 in the event

of their arrest in Crime No.290/2024 registered by Jewargi Police Station, Kalaburagi, for the offences punishable under Sections 115(2), 118(1), 189(2), 190, 191(2), 193(3), 308(2), 324(5), 329(4), 351(2), 352 of BNS, 2023, subject to the following conditions:

1. Petitioners/accused Nos.1 to 9 shall appear before the Investigating Officer within a period of 15 days from the date of receipt of copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties each for the likesum to the satisfaction of the investigating officer.

2. Petitioners/accused Nos.1 to 9 shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioners/accused Nos.1 to 9 shall not tamper with the prosecution witnesses and they shall co-operate with the police for investigation and appear before them whenever called upon.

4. Petitioners/accused Nos.1 to 9 shall not involve in similar offences in future.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

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