IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200181 OF 2025

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

BETWEEN:

1. DAYANANDA S/O GURAVAPPA NAYAK,
   AGE: 30 YEARS, OCC: AGRICULTURE,

2. VEERESH S/O GURAVAPPA NAYAK,
   AGE: 32 YEARS, OCC: AGRICULTURE,

3. PRAVEEN S/O GURAVAPPA NAYAK,
   AGE: 29 YEARS, OCC: AGRICULTURE,

4. YAMANAMMA W/O GURAVAPPA NAYAK,
   AGE: 58 YEARS,
   OCC: NIL, BEING HANDICAPPED LADY,
   BEARING HANDICAPPED LADY,
   ALL ARE R/O. BELLIGANUR VILLAGE,
   TQ. MASKI, DIST.RAICHUR-584126.

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI MAHANTESH PATIL, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
R/BY HIGH COURT OF KARNATAKA,
BENCH AT KALABURAGI-585107,
(THROUGH BALAGANUR PS,
TQ. MASKI, DIST.RAICHUR - 584126).

…RESPONDENT

(BY SMT. ANITA M. REDDY,HCGP)

THIS CRL.P IS FILED U/S. 438 OF CR.P.C (OLD) U/SEC 528 OF BNSS, PRAYING TO, GRANT THE ANTICIPATORY BAIL TO THE PETITIONER AND DIRECT THE BALAGANOOR PS TO RELEASE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN BALAGANOOR P.S CRIME NO. 136/2024, PENDING ON THE FILE OF THE CIVIL JUDGE AND JMFC COURT, MASKI DISTRICT RAICHUR.

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, 3, 4 & 5 in Crime No.136/2024 registered by Balaganoor Police Station, Raichur, for the offences punishable under Sections 189(2), 191(2), 191(3), 118(2), 109, 352, 351(2), 190 of BNS, 2023, are before this Court seeking anticipatory bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime No.136/2024 was registered by Balaganoor Police Station, Raichur, for the aforesaid

offences against the petitioners herein and another, on the basis of first information dated 03.12.2024 received from Bheerappa S/o Doddaerappa. Apprehending arrest in the said case, petitioners had filed Crl.Misc.No.5494/2024, which was dismissed on 23.01.2025 by the Court of III Addl. Dist. & Sessions Judge, Raichur, sitting at Sindhanur, Therefore, they are before this Court.

4. Learned Counsel for the petitioners submits that petitioners are persons having no criminal antecedents and they are agriculturists by avocation. There is case and counter case in respect of the alleged incident that had taken place on 03.12.2024. Petitioners are ready to cooperate for the purpose of investigation. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP has opposed the petition. She submits that the first informant and another have suffered grievous injuries in the incident in question, and therefore, custodial interrogation of the petitioners is required. Accordingly, she prays to dismiss the petition.

6. In the incident that at taken place on 03.12.2024 at about 1.30. p.m. accused No.1-Dayananda had allegedly assaulted injured Sagarappa with axe and as a result of said assault, Sagarappa had suffered fractured injury. Accused No.2-Mallikarjun had assaulted Prabu and he also had suffered grievous injury as result of the said assault. Accused No.3-Veeresh had assaulted the first informant with an iron rod and the first informant also had suffered fractural injury as a result of the said assault. Accused No.4 allegedly had assaulted Sagarappa with a stone but Sagarappa has not suffered any grievous injury corresponding to the assault made by accuse No.4 on him with the stone. There is no allegation as against accused No.5 about she assaulting the injured persons. From the reading of the allegations found in the first information and the wound certificate of the injured in the present case, it appears that the injured have suffered grievous injury as a result of the assault made by accused Nos.1, 2 & 3. Accused No.2 who is arrested in the present case is in custody as on this date.

7. Learned Counsel for the petitioners at this stage submits that petition as against accused Nos.1 & 3 may be dismissed as not pressed.

8. Since the injured have not suffered any grievous injury as a result of the alleged assault made by accused No.4 and since there is no allegation as against accused No.5 about she assaulting the injured persons, I am of the opinion that the prayer made by petitioners Nos.3 & 4 who are accused Nos.4 & 5 for grant of anticipatory bail needs to be answered affirmatively. Accordingly, the following order:

9. Criminal petition is partly-allowed, criminal petition is dismissed as not pressed as against accused Nos.1 & 3 and criminal petition is allowed as against accused Nos.4 & 5.

10. The respondent - Police or any other police in the State of Karnataka are directed to release petitioner Nos.3 & 4/accused Nos.4 & 5 in the event of theri arrest in Crime No.136/2024 registered by Balaganoor Police

Station, Raichur, for the offences punishable under Sections 189(2), 191(2), 191(3), 118(2), 109, 352, 351(2), 190 of BNS, 2023, subject to the following conditions:

1. Petitioner Nos.3 & 4/accused Nos.4 & 5 shall appear before the Investigating Officer within a period of 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the investigating officer.

2. Petitioner Nos.3 & 4/accused Nos.4 & 5 shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioner Nos.3 & 4/accused Nos.4 & 5 shall not tamper with the prosecution witnesses and he shall co-operate with the

police for investigation and appear before them whenever called upon.

4. Petitioner Nos.3 & 4/accused Nos.4 & 5 shall not involve in similar offences in future.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

TMP/List No.: 1 Sl No.: 13
CT:PK