IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200255 OF 2025

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

BETWEEN:

SAMEER @ CHARLIE SAMYA
S/O ABDULRAJAK YARGAL
AGE: 36 YEARS, OCC: BUSINESS,
R/O. NEAR MORATAGI NAKA,
SINDAGI, DIST. VIJAYAPURA,
PRESENTLY R/O. KHB COLONY, J. M. ROAD,
VIJAYAPURA -586102.

...PETITIONER

(BY SRI R. S. LAGALI, ADVOCATE)

AND:

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA,
THROUGH THE SHO / PSI GOLGUMBAZ PS,
VIJAYAPURA,
REP BY THE ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
KALABURAGI – 585103.

...RESPONDENT

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

THIS CRL.P IS FILED U/S. 438 OF CR.P.C(OLD) U/S 482 OF BNSS (NEW), PRAYING TO ALLOW THIS ANTICIPATORY BAIL PETITION AND THEREBY ORDER THE RELEASE OF THE PETITIONER IN THE EVENT OF HIS ARREST IN CRIMINAL CASE NO. 3589/2024 (ARISING OUT OF VIJAYAPURA GOLGUMBAZ

PS. CRIME NO. 42/2024) PENDING ON THE FILE OF HON'BLE PRINCIPAL SENIOR CIVIL JUDGE AND CJM, COURT, VIJAYAPURA FOR THE OFFENCES PUNISHABLE U/S 143, 147, 120(B), 109, 341, 323, 307, 427, 504 R/W S 149 OF IPC.

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.18 in Crime No.42/2024 registered by Golgumbaz Police Station, Vijayapura, for the offences punishable under Sections 143, 147, 120B, 109, 341, 323, 307, 427, 504 read with Section 149 of IPC., is 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.42/2024 was registered by the Golgumbaz Police Station, Vijayapura, initially for the offences punishable under Sections 143, 147, 341, 323, 307, 427, 504 read with Section 149 of IPC, against one Jafar Yushufsab Pathan and nine others, on the basis of the first

information dated 11.04.2024 received from Shakila Fayazahmed Inamdar, the mother of the injured Habiba Faiyazahammed Inamdar. After the investigation, the police have filed charge-sheet against 18 accused persons. The petitioner is arrayed as accused No.18 in the charge-sheet. Apprehending his arrest, he had filed Criminal Misc. No.91/2025 before the jurisdictional Sessions Court, which was rejected on 30.01.2025. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that, the only allegation against the petitioner is that, he had instigated the accused Nos.1 to 11 to commit the crime. Undisputedly, he has no other criminal antecedents. Accused persons who were have been granted regular bail and some of the accused persons have been granted anticipatory bail in the present case. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader who has opposed the petition submits that, the petitioner was absconding and therefore, non-bailable

warrant has been issued against him by the committal Court. Accordingly, she prays to dismiss the petition.

6. Perusal of the material on record would go to show that, the petitioner's name is not found in the FIR in the present case. During the course of investigation some of the accused persons were arrested. After completion of the investigation, charge-sheet has been filed against 18 persons and the petitioner is arrayed as accused No.18 in the charge-sheet. The allegation as against the petitioner is that, he had instigated the other accused persons to commit the crime. It is not in dispute that, the other accused persons who were arrested in the present case have been granted regular bail and some of the accused persons in the present case are also granted anticipatory bail by the jurisdictional Sessions Court. The petitioner has no other criminal antecedents. The investigation of the case is completed and the charge-sheet has been filed. It appears that, the committal Court has issued non-bailable warrant against the petitioner and therefore, he is apprehending arrest in the present case. The apprehension expressed by the petitioner therefore appears

to be genuine. Under the circumstances, 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

The petition is allowed.

The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.42/2024 registered by Golgumbaz Police Station, Vijayapura, for the offences punishable under Sections 143, 147, 120B, 109, 341, 323, 307, 427, 504 read with Section 149 of IPC pending before the Court of Principal Civil Judge (Sr. Dn.) & CJM Court, Vijayapura, subject to the following conditions:

1. The petitioner shall appear before the jurisdictional Court 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 said jurisdictional Court.

2. The petitioner shall regularly appear before the jurisdictional Court on all dates of hearing without fail, unless exempted by the said Court for valid reasons.

3. The petitioner shall not tamper with the prosecution witnesses.

4. The petitioner shall not involve in similar offences in future.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 1 Sl No.: 28
CT:PK