NC: 2025:KHC-K:1136
CRL.P No. 200245 of 2025

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 19TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

CRIMINAL PETITION NO. 200245 OF 2025

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

BETWEEN:

SUMIT S/O HANMANTH,
AGED 22 YEARS, OCC: LABOUR,
R/O. CHANGLERA VILLAGE,
CHITGUPPA TALUK,
DISTRICT BIDAR-585227.

...PETITIONER

(BY SRI SANTOSH KUMAR B. BIRADAR, ADVOCATE)

AND:

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA,
THROUGH BEMALKHEDA PS,
DISTRICT BIDAR-585227,
REP BY ADDL. S.P.P.,
HIGH COURT OF KARNATAKA,
KALABURAGI-585103.

...RESPONDENT

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

THIS CRL.P. IS FILED U/S. 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO A) TO ALLOW THIS PETITION. B) KINDLY BE ORDERED TO RELEASE THE PETITIONER/ ACCUSED ON BAIL, IN CRIME NO.05/2025 REGISTERED BY THE BEMALKHEDA P.S. FOR THE OFFENCE PUNISHABLE UNDER

SECTION 109, 351(2), 352 OF BNS, 2023 ON THE FILE SENIOR CIVIL JUDGE AND JMFC HUMNABAD. C) ANY OTHER ORDER THAT THIS HON'BLE HIGH COURT THINKS FIT TO SERVE.

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 in Crime No.5/2025 registered by Bemalkhed Police Station, Bidar, for the offences punishable under Sections 109, 35(2), 352 of BNS, 2023, is before this Court under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.5/2025 was registered by Bemalkhed Police Station, against the petitioner herein for the aforesaid offences on the basis of the first information dated 12.01.2025 received from Ramayya Swami, father of the injured Somashekhar. During the course of investigation, the petitioner was arrested on 12.01.2025

and subsequently, remanded to the judicial custody. The bail application filed by the petitioner before the jurisdictional Sessions Court in Crl. Misc. No.5019/2025 was rejected on 06.02.2025. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that, the petitioner and the victim are friends. The petitioner has no other criminal antecedents. The injured has been discharged from the hospital on 14.01.2025 and his condition is stable. Major portion of the investigation is completed. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition. She submits that, the victim has suffered six grievous injuries in the incident in question. The petitioner has used a deadly weapon to assault the injured. The investigation of the case is under progress and the charge-sheet is yet to be filed. Accordingly, she prays to dismiss the petition.

6. Perusal of the first information would go to show that, the petitioner and the victim Somashekhar S/o. Ramayya Swami were good friends. It appears that, the petitioner was insisting the victim to introduce him to a girl known as Jyoti in their village as he was in love with her and he intended to marry her. The victim on the other hand appears to have informed about the same to the father of the aforesaid Jyoti. It is in this background, on 11.01.2025 at about 8.00 p.m., the petitioner who had taken the injured in his motorbike, had thereafter assaulted him with a knife on his back and other parts of the body. In the said incident, the victim had suffered six grievous injuries and he was admitted in the hospital. It is not in dispute that, the injured was discharged from the Hospital on 14.01.2025 and his statement was recorded by the police in his house on 15.01.2025. Undisputedly, the petitioner has no other criminal antecedents. He is aged about 22 years and said to be an agricultural coolie. Major portion of the investigation of the case is completed. Under the circumstances, I am of the opinion that, the

prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following order:

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in Crime No.5/2025 of Bemalkhed Police Station, Bidar, registered for the offences punishable under Sections 109, 351(2), 352 of BNS, 2023, pending before the Court of Senior Civil Judge and JMFC, Humnabad, subject to the following conditions:

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

d) The petitioner shall not involve in similar offences in future;

e) The 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
List No.: 1 Sl No.: 25
CT:PK