NC: 2025:KHC-K:3169
CRL.P No. 200942 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO.200942 OF 2025

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

BETWEEN:

EKNATHRAO S/O RAMRAO,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O HONNEKERI VILLAGE,
TQ. AND DIST. BIDAR-585 401.

...PETITIONER

(BY SRI SANJAY A. PATIL, ADVOCATE)

AND:

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA,
THROUGH NEW TOWN POLICE STATION, BIDAR,
DIST. BIDAR-585 401,
R/BY ADDL. SPP, HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585 107.

...RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN HCGP)

THIS CRL.P IS FILED UNDER SECTION 438 OF CR.P.C (OLD), U/S 482 OF BNSS(NEW), PRAYING TO ALLOW THE PETITION THEREBY DIRECTING THE RESPONDENT

POLICE/NEW TOWN POLICE STATION, BIDAR, DIST. BIDAR, TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO. 67/2025 REGISTERED FOR THE OFFENCES PUNISHABLE U/SEC. 103(1), 61(2)(a), 3(5) OF BNS, 2023 AS PER FIR, NOW PENDING ON THE FILE OF II ADDL. SENIOR CIVIL JUDGE AND JMFC COURT, BIDAR, DISTRICT BIDAR.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE V SRISHANANDA)

Heard Sri Sanjay A. Patil, learned counsel for the petitioner and Sri Jamadar Shahabuddin, learned High Court Government Pleader for the respondent – State.

2. Petition under Section 482 of BNSS, 2023 with the following prayer:

> *"praying to allow the petition thereby directing the respondent police/New Town Police Station, Bidar, Dist. Bidar, to enlarge the petitioner on bail in the event of his arrest in Crime No.67/2025*

registered for the offences punishable u/Sec. 103(1), 61(2)(a), 3(5) of BNS-2023 as per FIR, now pending on the file of II Addl. Senior Civil Judge and JMFC Court, Bidar, District Bidar."

3. Facts in brief, which are utmost necessary for disposal of the petition are as under:

Upon the complaint lodged by Raju S/o. Dattatri Rao Khelba, New Town Police, Bidar registered a case in Crime No.67/2025 on 04.04.2025, for the offence punishable under Sections 103(1), 61(2)(a) and 3(5) of BNS, 2023.

3.1 The gist of the complaint averments would reveal that the elder brother of the complainant – Vaijinath being the Panchayat Member and social worker, had won the election thrice and he was helping the villagers. There was a dispute and rivalry between the accused persons and said Vaijinath.

3.2 In order to take revenge, all the accused persons conspired with each other and taking advantage

of the presence of the deceased near the Dhaba, took away the life of said Vaijinath.

4. Based on the said complaint, police having registered the case and investigating the matter. An attempt made by the petitioner, who is accused No.5 to seek grant of anticipatory bail, was rejected by the learned Trial Judge. Thereafter, petitioner is before this Court.

5. Learned counsel for the petitioner would contend that the petitioner has been falsely implicated earlier in a POCSO case, where he has been enlarged on bail. In order to somehow the petitioner has put behind the bars, he has been falsely implicated in the case on hand only on the ground that he is the father of accused No.1 and also on the ground of alleged conspiracy. Taking note of the said aspects of the matter, he sought for grant of anticipatory bail.

6. *Per contra*, learned High Court Government Pleader would contend that there is material evidence on

record, inasmuch as, presence of the present petitioner in the house of Shamrao Deshpande, where the conspiracy has been hatched, is very much available on record and therefore, contention urged that the petitioner is innocent of the offences alleged against him, cannot be countenanced in law, that too in a heinous offence like offence of murder. Therefore, he sought for dismissal of the petition.

7. Having heard the arguments of both sides, this Court perused the material on record meticulously.

8. On such perusal, it is crystal clear that the case came to be registered on 04.04.2025 and till today, petitioner is not available to the Investigation Agency.

9. Even according to the prosecution, the role of the petitioner is that he is the member in hatching the alleged conspiracy.

10. If the petitioner is directed to join the investigation on a particular day and a limited period of custodial interrogation is carried out by the Investigation Agency, it would not only protect the rights of the petitioner but it also facilitate the investigation process.

11. Accordingly, without expressing further opinion on the merits of the matter, following:

ORDER

a) Criminal petition is allowed.

b) Petitioner/accused No.5 is directed to join the investigation by appearing before the Investigation Officer positively on 30.06.2025 at 09.00 a.m.

c) Investigation Officer is at liberty to take the petitioner to custody and complete the custodial interrogation on the same day before 7.00 p.m. and thereafter, enlarge the petitioner on bail in Crime No.67/2025 of New Town Police Station, Bidar, on taking a bond in a sum of Rs.1,00,000/-

with two sureties for the likesum to the satisfaction of the Investigation Officer.

d) Petitioner shall cooperate in all respects with the investigation process.

e) Petitioner shall mark his attendance on every alternate Sunday between 10.00 a.m. to 02.00 p.m., before the Investigation Officer till the final report is filed.

f) Petitioner shall not tamper the prosecution witnesses in any manner.

g) Petitioner shall not leave the jurisdiction of Bidar district without prior permission.

h) Petitioner shall appear before the Trial Court regularly on all hearing dates.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of bail.

Sd/-
(V SRISHANANDA)
JUDGE

SRT
List No.: 1 Sl No.: 23
CT: AK