



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO.8743 OF 2024 (439(CR.PC)/483(BNSS))

BETWEEN:

BIPIN A.S., S/O SHRIDHARA GOWDA A.,
AGED ABOUT 28 YEARS, R/AT. KOOLISHED HOUSE,
KALLUGUNDI, SAMPAJE, SULLIA TALUK,
D.K. DISTRICT-574 239

(THE PETITIONER IS IN JUDICIAL CUSTODY)

- PETITIONER

(BY SRI. NISHIT KUMAR SHETTY, ADVOCATE)

AND:

STATE OF KARNATAKA
BY SHO, SULLIA POLICE STATION, BANGALORE,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, BANGALORE-560 001.

- RESPONDENT

(BY SMT. SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S.439 CR.P.C (U/S 483 BNSS) BY THE
ADVOCATE FOR THE PETITIONER PRAYING TO ENLARGE THE
PETITIONER ON REGULAR BAIL IN SC.NO.5015/2021 (CRIME NO.
74/2020 OF SULLIA POLICE STATION) FOR THE OFFENCE P/U/S 341,
448, 324, 109, 302, 120(B) R/W 34 OF IPC & SEC. 3, 25, 27, 30 OF
ARMS ACT 1959, PENDING ON THE FILE OF V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SITTING AT PUTTUR, D.K. DISTRICT & ETC.

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



CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

ORAL ORDER

Heard Sri Nishit Kumar Shetty, learned counsel for the petitioner and Smt. Soumya, learned HCGP.

2. Accused no.2 has sought bail u/S 439 Cr.P.C, his application for bail was rejected by the Sessions Court by order dated 01.12.2023 in S.C. No. 5015/2021.

3. In connection with the incident that took place on 08.10.2020 at 7.00 a.m., Sampathkumar was killed. It is alleged that accused no.1 fired gun shot at the deceased. There is allegation against accused no.2 that he too assaulted the deceased besides damaging the wind screen of the car with a sickle. When the deceased tried to escape, accused 1 to 4 chased him and broke open the door of the house of Padmanabha where the deceased had taken shelter and then he was hacked to death.

4. Now bail on the health ground is sought directly before this Court. When the application u/S 439 Cr.P.C. was moved before the Sessions Court, it appears that bail



was sought touching the merits of the case. Holding that prima facie case was forthcoming against accused no.2 bail was rejected by the trial court.

5. Sri Nishit Kumar Shetty only urges two grounds. Firstly that the petitioner is seriously ill and he requires surgery and secondly that trial has not commenced. He also submits that appointment of Special Public Prosecutor was challenged by the accused 3 to 8 in W.P. No. 23224/2024 and an interim order was granted in the writ petition staying the order of appointing Special Public Prosecutor. This is the reason for the trial having not commenced so far.

6. On 20.09.2024, the Additional S.P.P. was directed to secure medical report concerning the petitioner. HCGP has produced medical report issued by the R.M.O. of Belagavi Institute of Medical Sciences, Belagavi. The medical report shows that accused no.2, namely, Bipin A.S, is suffering from disorder of L4-L5, L5-S1 IVDP. He has radiating pain. Surgery is advised to him. His medical



report/ certificate is dated 23.09.2024. Therefore, this shows that petitioner has health issues which require surgery.

7. Petitioner was arrested on 11.10.2020 and since then he is in custody. It is not disputed that trial has not yet commenced after charges are framed. As per the submission of Sri Nishit Kumar Shetty, appointment of Special Public Prosecutor has been stayed in W.P. No. 23224/2024. So, till the appointment of Special Public Prosecutor there is no chance of commencement of trial. This is also one of the reasons that can be considered for admitting accused no.2 to bail.

8. For the reasons stated above, petition is allowed. It is ordered that accused no.2 shall be released on bail on the following conditions:

[i] He shall execute bond for Rs.2 lakhs and furnish two sureties for the likesum to the satisfaction of the trial court;



[ii] He shall not leave the jurisdiction of the trial court till conclusion of trial;

[iii] He shall not threaten the witnesses and tamper with evidence;

[iv] He shall not get involved in any criminal case in future. If any FIR is registered against him, the same shall be resulted in cancellation of the bail;

[v] He shall inform the S.H.O. of the concerned police station about the hospital where he will get admitted for the purpose of surgery.

In view of disposal of the petition, I.A. No. 1/2024 is disposed of.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE

BVV
LIST NO.: 19 SL NO.: 2