



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12745 OF 2024

BETWEEN:

MR. CHANDRASHEKARA @ VINAY,
AGED ABOUT 26 YEARS,
S/O DEVARNAYAKA,
R/AT KADABURU VILLAGE,
HULLAHAILI POST,
NANJANAGUDU TALUK,
MYSURU DISTRICT.

...PETITIONER

(BY SRI. MUNIRAJU K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY HULLAHALLI POLICE STATION,
HULLAHALLI,
NANJANAGUDU TALUK,
MYSURU DISTRICT,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA - 01.
2. SMT. LAKSMI T.G.,
W/O LATE CHIKKADEVANAYKA @ RAMACHARI,
AGED ABOUT 26 YEARS,
R/AT KADABURU VILLAGE,
HULLAHALLI POST,
NANJANGUDU TALUK,
MYSURU DISTRICT.

...RESPONDENTS

(BY SRI. M.R. PATIL, HCGP)



THIS CRL.P IS FILED U/S 438 OF CR.PC (FILED U/S 482 BNSS) PRAYING TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN CR.NO.30/2020 REGISTERED BY HULLAHALLI P.S. FOR THE OFFENCE P/U/S 304,379 R/W 34 OF IPC AND SEC.138,135 OF THE INDIAN ELECTRICITY ACT (AMEND) 2003 PENDING BEFORE THE COURT OF I ADDL.DISTRICT AND SESSIONS JUDGE AT MYSURU IN SPL.CASE NO.336/2024 S

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.7 in Special Case No.336/2024 pending before the Court of I Additional District and Sessions Judge, Mysuru arising out of Crime No.30/2020 registered by Hullahalli Police Station, Mysuru, for offences punishable under Sections 304, 379 r/w 34 of IPC and Sections 138 and 135 of Indian Electricity Act (Amend) 2003 is before this Court under Section 438 of Code of Criminal Procedure seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. F.I.R. in Crime No.30/2020 was registered by the Hullahalli Police Station, Mysure, for the aforesaid offences



against Ramesha and six others on the basis of the first information dated 04.03.2020 received from Lakshmi T.G., wife of deceased Chikkadevanayaka. In the said case, petitioner herein was granted anticipatory bail by the jurisdictional Sessions Court, in Crl.Misc.No.669/2020 vide order dated 24.06.2020. Investigation of the case is completed and charge sheet is filed. In the charge sheet petitioner is arrayed as accused No.7. Trial Court having taken cognizance of the charge sheeted offences had issued summons to accused Nos.1 to 6 and since the petitioner was shown as absconding in the charge sheet, non bailable warrant was issued against him. Apprehending arrest in the case, petitioner had filed Crl.Misc.No.1609/2024 before the jurisdictional Sessions Court, which was rejected on 27.09.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that on the merits of the case petitioner was granted anticipatory bail by the jurisdictional Sessions Court. However, he had not appeared before the Investigation Officer and executed the bail bonds in compliance of the condition imposed on him in Crl.Misc.No.669/2020. Therefore, he was shown as absconding



in the charge sheet. He submits that petitioner has no other criminal antecedents and he undertakes to appear before the Trial Court on regular dates of hearing.

5. *Per contra*, learned HCGP submits that petitioner has already been granted anticipatory bail in the present case, but he has failed to comply the bail condition, therefore, his second application under Section 438 of the Code of Criminal Procedure cannot be entertained. He submits that petitioner may be directed to appear before the trial court and file necessary application seeking recall of non bailable warrant issued against him and also file necessary application seeking regular bail. Accordingly, prays to dismiss the petition.

6. Submissions made by both the sides is placed on record.

7. Considering the fact that the petitioner was earlier granted anticipatory bail by the jurisdictional Sessions Court in the present case, the second petition under Section 438 of the Code of Criminal Procedure cannot be entertained. However, considering the fact that he was earlier granted anticipatory bail on the merits of the case and petitioner has no other criminal antecedents, I am of the view, that ends of justice



would be secured if the petitioner is granted liberty to surrender before the Trial Court and make necessary applications seeking recall of the non bailable warrant issued against him and also seeking regular bail.

7. Accordingly, petition is ***disposed of*** with liberty to the petitioner to appear/surrender before the Court of I Additional District and Sessions Judge, Mysuru in Special Case No.336/2024 and file necessary applications seeking recall of the non bailable warrant issued against him and also seeking regular bail. In the event the petitioner appears/surrenders before the Trial Court and makes necessary applications as aforesaid, the Trial Court is requested to pass appropriate orders on the merits of the application and dispose of the applications on the same day.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE