



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. 13824 OF 2024

BETWEEN:

SUFIYAN
S/O MOHAMMED RIYAZ REHAMAN
AGED ABOUT 32 YEARS
PERMANENT RESIDENT OF 2ND STAGE
9TH CROSS, SADASHIVANAGAR
NEAR KANIKA ENGLISH SCHOOL
TUMAKURU PIN - 572 102
(FATHER NAME & ADDRESS OF THE
PETITIONER HAS BEEN WRONGLY
SHOWN AS SUFIYAN
S/O RIYAZ UL REHAMAN
R/AT NO 12TH CROSS
MARALURU DINNE, TUMAKUR TOWN
BY THE RESPONDENT POLICE)

...PETITIONER

(BY SRI SUNIL KUMAR PATEL, ADV.)

AND:

STATE OF KARNATAKA
BY TILAK PARK P.S
TUMKURU TOWN - 572 102
REP BY SPP, HIGH COURT OF KARNATAKA
BENGALURU - 560 001.

...RESPONDENT

(BY SRI K. RAHUL RAI, HCGP)

THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNSS)
PRAYING TO ALLOW THIS PETITION AND DIRECT THE RESPONDENT
POLICE TO RELEASE THE PETITIONER /A-4 ON BAIL IN THE EVENT
OF HIS ARREST BY THE RESPONDENT POLICE IN C.C.NO.4872/2016
ARISING OUT OF CR.NO.02/2016 TILAK NAGAR P.S FOR THE
OFFENCE P/U/S 323,354(B),504,506 R/W 34 OF IPC WHICH IS NOW



PENDING FOR TRIAL ON THE FILE OF III ADDL.CIVIL JUDGE AND J.M.F.C AT TUMAKURU.

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

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Heard the learned counsel for the petitioner and the learned HCGP for the respondent.
2. Accused No.4 in CC No.4872/2016 pending before the Court of III Addl. Civil Judge and JMFC, Tumakuru, arising out of Crime No.02/2016 registered by Thilak Park Police Station, Tumakuru, for the offences punishable under Sections 323, 354(B), 504, 506 and 34 of IPC, is before this Court under Section 438 of Cr.P.C. seeking anticipatory bail.
3. Defacto complainants had filed PCR No.856/2015 before the jurisdictional Court of Magistrate at Tumakuru, which was referred to police by the learned Magistrate under Section 156(3) of Cr.P.C. and FIR in Crime No.2/2016 was registered by Thilak Park Police Station, Tumakuru, initially for the offences punishable under Sections 143, 323, 354, 504, 506, 427 and 149 of IPC, as against Nayaz Rehaman and three



others. Petitioner is arraigned as accused No.4 in the FIR. After completion of investigation, charge sheet has been filed against four persons for the aforesaid offences and petitioner is arraigned as accused No.4 in the charge sheet. After filing of charge sheet, case was registered in CC No.4872/2016 before the jurisdictional Magistrate and accused Nos.1 to 3 who were initially granted anticipatory bail in the said case were subsequently also granted regular bail before the learned Magistrate after their appearance. Since petitioner had not appeared before the Trial Court, non-bailable warrant was issued against him and apprehending arrest in the said case, petitioner had filed Crl.Misc.No.1829/2024 before the jurisdictional Sessions Court which was rejected on 06.12.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that there is a civil dispute between the defacto complainants and the petitioner and his family members. For extraneous reasons, a false complaint is filed and petitioner was not served with summons at any point of time. He was totally unaware of the pendency of the criminal case against him. His marriage is now scheduled to be held on 30.12.2024. Therefore, at the instance



of defacto complainants, attempt is made to arrest him. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP has opposed the petition.

6. The charge sheet in the present case has been filed against the accused for the offences punishable under Sections 323, 354(B), 504, 506 and 34 of IPC. The said offences are triable by the Court of Magistrate and the maximum punishment for the alleged offences is imprisonment for a period of seven years. Undisputedly, petitioner has no other criminal antecedents. Accused Nos.1 to 3 as against whom absconding charge sheet was filed have been granted anticipatory bail and subsequently regular bail in the present case. Learned counsel for the petitioner submits that petitioner was not served with the court summons at any point of time and inspite of the same, NBW is issued against him and now an attempt is made to arrest him. Learned counsel for the petitioner has produced wedding invitation card of the petitioner which reflects that his marriage is scheduled to be held on 30.12.2024. It is not in dispute that the petitioner has no other criminal antecedents. He has undertaken to appear before the Trial Court regularly on dates of hearing in future.



Under the circumstances, I am of the opinion that his prayer for grant of anticipatory bail needs to be answered affirmatively. Accordingly, the following order:-

7. 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 CC No.4872/2016 pending before the Court of III Addl. Civil Judge and JMFC, Tumakuru, arising out of Crime No.02/2016 registered by Thilak Park Police Station, Tumakuru, for the offences punishable under Sections 323, 354(B), 504, 506 and 34 of IPC, subject to the following conditions:

1. The Petitioner shall appear before the Investigating Officer within 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 investigating officer.
2. Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.
3. Petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for



investigation and appear before them whenever called upon.

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

8. In view of the disposal of the main petition, pending interlocutory application if any does not survive for consideration, and the same is accordingly disposed of.

**SD/-
(S VISHWAJITH SHETTY)
JUDGE**

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