



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO. 9991 OF 2024

Between:

Rajesh @ Vinod @ Manna
S/o Late Raja,
Aged about 32 years,
R/at No.20, Jai Bheemanagar,
Cottonpete, Bengaluru-560053.

...Petitioner

(By Sri M.Krishne Gowda, Advocate)

And:

State of Karnataka
By City Market Police Station,
Represented by State Public Prosecutor,
High Court of Karnataka,
Bengaluru-560001.

...Respondent

(By Smt. Rashmi Jadhav, Addl. SPP a/w
Sri Rajath Subramanyam, HCGP)

This Criminal Petition is filed under section 439 Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.241/2017 of City Market Police Station, now in S.C.No.740/2018 and pending trial before the Hon'ble LXIV Additional City Civil and Sessions Judge at Bengaluru (CCH-65) for the offence p/u/s 143, 144, 147, 148, 120(B), 302 r/w 149 of IPC.

This Criminal Petition, coming on for orders, this day, order was made therein as under:

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by
VEERENDRA
KUMAR K M
Location: HIGH
COURT OF
KARNATAKA



CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

ORAL ORDER

This is a successive bail application by accused No.2 in S.C. No. 740/2018 on the file of Additional City Civil and Sessions Judge (CCH-65), Bengaluru. The accused is facing trial in connection with offences punishable under Sections 143, 144, 147, 148, 120(B), 302 read with Section 149 of IPC in connection with the incident said to have taken place on 10.12.2017 in relation to killing of a person by name Srinivasa.

2. Heard Sri M.Krishne Gowda, learned counsel for the petitioner and Smt. Rashmi Jadhav, Additional SPP and Sri Rajath Subramanyam, HCGP, for the respondent/State.

3. It is to be noted here that this court granted bail to the petitioner by order dated 1.10.2018 in Criminal Petition 4945/2018. As the petitioner did not attend the court for about two years from 19.9.2021 to 15.10.2023 he was arrested on 15.10.2023 and taken to custody. The petitioner moved this court again by filing Criminal Petition



4712/2024 stating that he could not attend the court because he had been admitted to Victoria Hospital. But his contention was not accepted as he did not produce any medical document and therefore Criminal Petition 4712/2024 was dismissed by order dated 23.8.2024. Again the petitioner has moved for bail.

4. The petitioner's counsel submits that the petitioner's absence was not intentional and he will regularly appear before the court. The trial has commenced and still there are about 30 witnesses to be examined and therefore it may take a long time for completion of trial. Petitioner's counsel submits that the petitioner is ready to abide by any conditions and therefore bail be granted.

5. Smt. Rashmi Jadhav, Additional SPP and Sri Rajath Subramanayam, HCGP, submits that a clear observation was made by this court while deciding Criminal Petition 4712/2024 that the petitioner failed to substantiate the reason for his absence before the court. Once he jumped the bail condition, therefore there is no



guarantee that he will appear before the court regularly till conclusion of trial.

6. Taking note of the fact that the petitioner was on bail before he was arrested again and also for another reason that the trial has not been completed in spite of lapse of six years, the petitioner may be released on bail, however with a condition that he shall furnish cash security to assure his regular appearance before the court. Therefore the following :

ORDER

- (i) Petition is allowed.
- (ii) Petitioner is ordered to be released on bail on his executing a bond for Rs.2,00,000/- providing one surety, and furnishing cash security for Rs.1,00,000/-. He is also subjected to the following conditions : -
 - (a) He shall regularly appear before the trial court till conclusion of trial. His absence before the court on a single



day will be considered seriously for canceling the bail.

- (b) He shall not tamper with the evidence and threaten the witnesses.
- (c) He shall mark his attendance in the respondent police station every week, preferably on a Sunday between 9.00 a.m and 12.00 noon till trial is complete.

The petitioner's counsel has brought a DD for a sum of Rs.1,00,000/- in favour of the Registrar, City Civil Court. The DD shall be accepted by the trial court for release of the petitioner and DD shall be encashed and kept in CR-CD till the trial is over.

**Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE**

CKL
List No.: 1 Sl No.: 2