



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CRIMINAL PETITION NO. 13202 OF 2025

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

BETWEEN:

KAILA VIJAY KUMAR
SHOWN AS VIJAYAKUMAR IN CHARGE SHEET,
S/O KAILA RADHAKRISHNA,
AGED ABOUT 56 YEARS,
R/AT NO.13-1-373, M.G.COLONY,
ANANTHAPUR TOWN,
ANDRA PRADESH - 515 001.

...PETITIONER

(BY SRI. KARTHIK YADAV U., ADVOCATE)

AND:

STATE OF KARNATAKA
BY TIRUMANI POLICE,
PAVAGADA TALUK,
TUMAKURU DIST. - 572 136,
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. VIJAYAKUMAR MAJAGE, SPP-II ALONG WITH
SMT. WAHEEDA M.M., HCGP)

THIS CRL.P IS FILED UNDER SECTION 438 OF CODE OF
CRIMINAL PROCEDURE (FILED UNDER SECTION 482 BNSS)
PRAYING TO DIRECT THE RESPONDENT POLICE TO RELEASE
THE PETITIONER ON BAIL, IN THE EVENT OF HIS ARREST, IN



CRIME NO.7/2005, FOR OFFENCES PUNISHABLE UNDER SECTIONS 143, 144, 147, 148, 307, 302, 396, 353 READ WITH SECTIONS 120-B AND 149 IPC AND UNDER SECTIONS 2 AND 3 OF INDIAN EXPLOSIVES ACT AND UNDER SECTION 25 OF ARMS ACT, ON THE FILE OF THIRUMANI POLICE STATION, PAVAGADA TALUK, TUMAKURU DISTRICT, WHICH IS NOW REGISTERED C.C.NO.957/2024, ON THE FILE OF PRINCIPAL CIVIL JUDGE AND JMFC, PAVAGADA, TUMAKURU DISTRICT, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 144, 147, 148, 307, 302, 396, 353, 109, 332, 333, 120, 121, 121(A), 120-B READ WITH 149 IPC AND UNDER SECTIONS 3, 4 AND 5 OF EXPLOSIVES ACT AND UNDER SECTION 25 OF ARMS ACT READ WITH SECTIONS 10 AND 13 OF UNLAWFUL ACTIVITIES (PREVENTION) ACT.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

This petition is filed by accused No.65 in Crime No.7/2005 registered by Thirumani Police Station, for the offences punishable under Sections 143, 144, 147, 148, 307, 302, 396, 353, 120, 121, 121(A), 121(B), 109, 323, 333 read with Section 149 of Indian Penal Code, 1860, under Sections 3 and 4 of Indian Explosives Act, 1884,



under Sections 10 and 13 of Unlawful Activities (Prevention) Act, 1967 and under Section 25 of the Arms Act, 1959.

2. Heard the learned counsel appearing for the parties.

3. Sri. Karthik Yadav U., learned counsel appearing for the petitioner contended that, the petitioner was not absconding but he was working as Senior Assistant in the Ananthapur Division Postal Employees Co-operative Society Ltd., joined as Junior Assistant on 01.04.1999 and resigned on 31.12.2024. Therefore, it is submitted by the learned counsel appearing for the petitioner that, the petition may be allowed. It is also submitted by the learned counsel appearing for the petitioner that, the petitioner is not involved in the allegations as made against the petitioner by the respondent and that apart, it is submitted that, a criminal case lodged against the other co-accused came to be disposed of, with acquittal orders passed by the competent



Court and accordingly, he sought for interference of this Court.

4. Per contra, Sri. Vijayakumar Majage, learned SPP-II along with Smt. Waheeda M.M., learned HCGP submitted that, the petitioner herein was absconding and was avoiding the warrant issued by the competent Court and therefore, the petitioner is not entitled for the anticipatory bail as the offences involved in this case are serious in nature. Accordingly, learned SPP-II and HCGP sought for dismissal of the petition.

5. In the light of the submissions made by the learned counsel appearing for the parties, it is noted that the petitioner is accused No.65 in Crime No.7/2005 of Thirumani Police Station for the offences punishable under Sections 143, 144, 147, 148, 307, 302, 396, 353, 120, 121, 121(A), 121(B), 109, 323, 333 read with Section 149 of Indian Penal Code, 1860, under Sections 3 and 4 of Indian Explosives Act, 1884, under Sections 10 and 13 of



Unlawful Activities (Prevention) Act, 1967 and under Section 25 of the Arms Act, 1959.

6. A perusal of the petition would indicate that, C.C.No.273/2005 came to be registered in which the petitioner is arrayed as accused No.65. The petitioner had not appeared before the competent Court, and as such, a split up case in C.C.No.957/2024 came to be registered against the petitioner. A perusal of the material on record would indicate that, a constant approach has been made by the Police to trace the accused/petitioner, who was evading continuously despite the NBW issued against the accused as mentioned in the order sheet in C.C.No.957/2024.

7. Taking into consideration the fact that, the petitioner has evaded to appear before the Trial Court and that the final report has already been filed before the competent Court, and the factual aspects of the matter, at this stage, it is not a fit case to accept the petition to grant anticipatory bail. By looking into the nature of the alleged



offences against the petitioner and that apart for nearly more than twenty two (22) years i.e., since 2005, the petitioner has been absconding and evading the Court proceedings. Therefore I am of the view that, it is not a fit case to grant anticipatory bail and accordingly, the Criminal Petition is ***dismissed***.

**SD/-
(E.S.INDIRESH)
JUDGE**

KLV
List No.: 1 Sl No.: 2