**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20TH DAY OF DECEMBER, 2024**

**BEFORE**

**THE HON'BLE MRS JUSTICE M G UMA**

**CRIMINAL PETITION NO.12263 OF 2024**

**BETWEEN:**

SANJAY T.B.
S/O. BASAVARAJU
AGED ABOUT 25 YEARS
AGRICULTURIST
RESIDENT OF CHOWDESHWARI COLONY
TARIKERE TOWN, TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 228.

...PETITIONER

(BY SRI JAYSHAM JAYASIMHA RAO, ADVOCATE)

**AND:**

STATE OF KARNATAKA
BY TARIKERE TOWN POLICE
REPRESENTED BY S.P.P.
HIGH COURT BUILDING, AMBEDKAR VEEDHI
BENGALURU-560 001.

...RESPONDENT

(BY SMT. K.P. YASHODHA, H.C.G.P.)

Digitally signed by MOUNESHWARAPPA NAGARATHNA
Location: HIGH COURT OF KARNATAKA

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF THE CR.P.C. PRAYING TO RELEASE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CONNECTION WITH F.I.R. BEARING CRIME NO.21 OF 2024 REGISTERED BY TARIKERE TOWN POLICE FOR ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 143, 144, 147, 506, 323, 324, 326 AND 307 READ WITH SECTION 149 OF THE I.P.C., NOW PENDING AS CRIMINAL CASE NO.576 OF 2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND J.M.F.C., TARIKERE.

THIS CRIMINAL PETITION IS COMING ON FOR FURTHER ARGUMENTS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE M G UMA

**ORAL ORDER**

The petitioner-accused No.3 is before this Court seeking grant of anticipatory bail in Crime No.21 of 2024 of Tarikere Town Police Station, pending in Criminal Case No.576 of 2024 on the file of the Senior Civil Judge and J.M.F.C., Tarikere, registered for the offences punishable under Sections 143, 144, 147, 506, 324 and 307 read with Section 149 of the Indian Penal Code, 1860 (for short, 'I.P.C.') on the basis of the first information lodged by the informant, Sri Pradeep T.N.

2. Heard Sri Jaysham Jayasimha Rao, learned counsel for the petitioner, and Smt. K.P. Yashodha, learned High Court Government Pleader for the respondent-State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

*"Whether the petitioner is entitled for grant of bail under Section 438 of the Code of Criminal Procedure, 1973?"*

My answer to the above point is in 'Affirmative' for the following:

**R E A S O N S**

4. The petitioner, being accused No.3, is seeking grant of anticipatory bail on the apprehension of being arrest.

5. The statements of the injured were recorded while they were taking treatment in the Hospital and an F.I.R. came to be registered against accused Nos.1 to 5. After investigation, the charge-sheet is filed for the offences punishable under Sections 143, 144, 147, 506, 323, 324, 326 and 307 read with Section 149.

6. As per the charge-sheet, the specific overt act alleged against the petitioner is that he had assaulted the injured with club and caused injuries. It is alleged that accused Nos.1 and 2 have held the injured-CW1 and

assaulted him with clubs. The petitioner criminally intimidated, assaulted CW1 on his left and right shoulder and accused Nos.2, 4 and 5 together assaulted him all over his body.

7. The Injury Certificate pertaining to the injured-Pradeep T.N. discloses that he had sustained two injuries. Injury No.1 being tenderness present over lower back is simple in nature, whereas injury No.2 i.e., left proximal tibia fracture is grievous in nature. The other injured-Archith had sustained three simple injuries. Admittedly, the injured have already discharged from the Hospital and the matter is now pending for trial. The prosecution has cited as many as twenty witnesses to prove the guilt of the accused.

8. Even though the petitioner is shown as absconding in the charge-sheet, admittedly, he is not required for custodial interrogation. The weapon used in commission of the offence is also recovered. It is not the contention of the prosecution that the petitioner is having any criminal

antecedents. Accused No.4 was apprehended and was released on bail. Considering these facts and circumstances of the case, I am of the opinion that the petitioner may be granted anticipatory bail subject to conditions, which will take care of the interest of the prosecution.

9. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

**O R D E R**

The petition is ***allowed.***

The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.21 of 2024 of Tarikere Town Police Station.

The petitioner is directed to appear before the Investigating Officer within fifteen days from the date of receipt of this order and on his appearance, the Investigating Officer shall enlarge him on bail, subject to the following conditions:-

a. *The petitioner shall furnish the bond in a sum of Rs.2,00,000/- (Rupees two lakh only) with two sureties for the likesum to the satisfaction of the Investigating Officer;*

b. *The petitioner shall not commit similar offences;*

c. *The petitioner shall appear before the Investigating Officer or the Court as and when required, and*

d. *The petitioner shall not threaten or tamper with the prosecution witnesses.*

On furnishing the sureties by the petitioner, the Investigating Officer is at liberty to verify the correctness of the address and authenticity of the documents furnished by him. On satisfaction of the said documents, he may proceed to accept the sureties within a reasonable time.

**Sd/-**
**(M G UMA)**
**JUDGE**

KVK
List No.: 3 Sl No.: 6