IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 13712 OF 2024

BETWEEN:

DIVYATEJ VARMA @ D J,
S/O SURESH BABU,
AGED ABOUT 29 YEARS,
R/AT NO. 53, TEJ NIVAS,
KASTURBANAGAR, MYSORE ROAD,
BYATARANAPURA, BENGALURU-560 026.

…PETITIONER

(BY SRI. MANJUNATH M R.,ADVOCATE)

AND:

THE STATE OF KARNATAKA BY
BYATARAYANAPURA POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

…RESPONDENT

(BY SRI.CHANNAPPA ERAPPA., HCGP)

Digitally signed by NANDINI MS
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE HIM ON REGULAR BAIL IN CR.NO.304/2024 OF BYATARAYANAPURA P.S. BENGALURU REGISTERED FOR AN OFFENCE P/U/S 109, 118(1), 351(2), 351(3), 352 OF BNS WHICH IS PENDING BEFORE THE HONBLE 46TH A.C.M.M BENGALURU NOW REGISTERED AS C.C.NO.37874/2024.

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 in Crime No.304/2024 registered by Byatarayanapura Police Station, Bengaluru City, for the offences punishable under Sections 109, 118(1), 351(2), 351(3) and 352 of BNS 2023, is before this Court under Section 483 of BNSS 2023, seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.304/2024 was registered by Byatarayanapura Police Station, Bengaluru City for the aforesaid offences against the petitioner herein, on the basis of first information dated 21.09.2024 received from Smt.Anasuya w/o Suresh Babu who is the mother of the petitioner herein.

4. During the course of investigation of the case, petitioner was arrested on 21.09.2024 and subsequently remanded to judicial custody. Investigation of the case is completed and charge sheet has been filed. He had earlier

approached this court in Crl.P.No.12116/2024, which was dismissed as withdrawn with liberty to the petitioner to file a fresh petition after charge sheet is filed. It is in this background, petitioner is before this Court in this successive bail application.

5. Learned Counsel for the petitioner submits that injuries suffered by injured first informant are all simple in nature. Investigation of the case is completed and charge sheet has been filed. Incident in question appears to have taken place in a spur of movement. Accordingly, he prays to allow this petition.

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

7. The first informant, who is the mother of the petitioner, is the injured in the present case. In her first information dated 21.09.2024, she has stated that petitioner was addicted to alcohol and other views and he was demanding money from her for the purpose of

consuming alcohol. On 29.10.2024, at about 12:10 pm when the first informant was in her house along with her other family members, petitioner allegedly demanded money from her for the purpose of consuming alcohol and when she refused to give the money, the petitioner who got enraged had allegedly abused her stating that he had already gone to jail and he will teach her a lesson. Thereafter, he allegedly took out a small knife and tried to assault on her stomach, since the first informant held her hand when petitioner tried to assault her, she sustained injury on her right forearm. The petitioner thereafter left the spot and the first informant was shifted to hospital by her relatives.

8. In respect of the incident that had taken place on 20.09.2024 at about 12:10 pm, first information is submitted on 21.09.2024 at about 11:30 am. Wound certificate of the injured first informant would reflect that she was suffered one incised wound on her right forearm and the same is certified as simple injury. Investigation of

the case is completed and charge sheet has been filed. Petitioner is in custody for the last nearly three months.

9. Though, it is brought to the notice of this Court by learned HCGP that petitioner has other criminal antecedents, the earlier cases were registered against him in the year 2018 and in all the said cases he has been granted regular bail. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following:-

ORDER

The petition is ***allowed***.

The petitioner is directed to be enlarged on bail in Crime No.304/2024 registered by Byatarayanapura Police Station, Bengaluru City, for the offences punishable under Sections 109, 118(1), 351(2), 351(3) and 352 of BNS 2023, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner shall not involve in similar offences in future;

e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

KVR
List No.: 1 Sl No.: 49