IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

CRIMINAL PETITION NO. 14405 OF 2024
C/W
CRIMINAL PETITION NO. 14227 OF 2024

IN CRL.P No. 14405/2024

BETWEEN:

1. SRINIVASA B.T.,
S/O LATE THIMMARAYAPPA,
AGED ABOUT 36 YEARS,
R/A NO. 95, BHOVI COLONY,
BEGUR ROAD,
NEAR OM CHANDI ARTS,
BOMMANAHALLI,
BENGALURU 560068

2. SALMAN @ MOHAMMED SALMAN
S/O ALEEM,
AGED ABOUT 25 YEARS,
R/A NO. 109, 11TH CROSS,
13TH MAIN, NGR LAYOUT,
VIRAT NAGAR MAIN ROAD,
BOMMANAHALLI,
BENGALURU 560 068

3. RANJITH K.
S/O KRISHNA,
AGED ABOUT 25 YEARS,
R/A NO. 95, BHOVI COLONY,
BEGUR ROAD, NEAR OM CHANDI ARTS,
BOMMANAHALLI,
BENGALURU 560068

…PETITIONERS

(BY SRI. THEJAS M.R., ADVOCATE)

B K MAHENDRAKUMAR
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Location: HIGH COURT OF KARNATAKA DHARWAD BENCH
Date: 2025.01.25 12:37:35 +0530

AND:

STATE OF KARNATAKA
BY MADIVALA POLICE
REPRESENTED BY LD.
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

…RESPONDENT

(BY SRI. DIVAKAR MADDUR, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONERS ON REGULAR BAIL IN CR.NO.374/2024 REGISTERED BY THE MADIVALA P.S. FOR THE OFFENCE P/U/S 109,188(1),3(5),351(3) OF BNS 2023 ON THE FILE OF 39TH ADDL.C.J.M BENGALURU

IN CRL.P NO. 14227/2024

BETWEEN:

SALMAN @ MOHAMMED SALMAN,
S/O ALEEM,
AGED ABOUT 25 YEARS,
R/A NO. 109, 11TH CROSS,
13TH MAIN, NGR LAYOUT,
VIRATNAGAR MAIN ROAD,
BOMMAAHALLI,
BENGALURU 560 068

...PETITIONER

(BY SRI. CHANDRASHEKARA K.A., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY THE POLICE OF
MADIWALA POLICE STATION,
BENGALURU CITY - 560 068.
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. DIVAKAR MADDUR, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO GRANT HIM BAIL IN CR.NO.374/2024 OF MADIVALA P.S. BENGALURU CITY NOW PENDING ON THE FILE OF THE LEARNED 39TH ADDL.C.M.M COURT BENGALURU CITY FOR THE OFFENCE P/U/S 109,118(1),3(5) AND 351(3) OF BNS 2023

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

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

In CRL.P.NO.14405/2024

Memo is filed seeking leave of this Court to withdraw the petition insofar as it relates to petitioner No.2.

2. Memo is placed on record.

3. Accordingly, petition is dismissed as withdrawn insofar it relates to petitioner No.2.

In CRL.P No. 14405 of 2024

C/W CRL.P No. 14227 of 2024

4. Petitioners who are facing investigation for the offences punishable under Sections 109, 188(1), 3(5), 351(3) of BNS, 2023, and are before this Court seeking a grant of regular bail under Section 483 of BNSS, 2023.

5. The FIR was lodged alleging that on 23.11.2024 at about 10.30 p.m., when the husband of the complainant did not receive the phone calls, the complainant continuously called his mobile phone and at that time, the brother-in-law of the complainant attended the call and informed that her husband is admitted to Sanjay Gandhi Hospital for treatment and when the complainant went to the hospital and enquired, she was informed that Chandru, Seena and others with an intention to commit murder, have assaulted the husband of the complainant and his friend Salman with machete, long clubs and knife and other deadly dangerous weapons, and further threatened him not to do business in the market.

6. Heard the learned counsel for the petitioners and learned HCGP for the State.

7. Admittedly, accused No.2 had lodged the First Information Report against the victims for the offences punishable under Sections 109, 118(1) alleging that they have assaulted accused Nos.2 to 4 with an intention to commit murder. In the said crime, the victim has been enlarged on bail. The alleged incident had taken place on 23.11.2024. The accused No.2 has lodged a complaint against the victim alleging that he had assaulted accused Nos.2 to 4 and thereafter, accused Nos.2 to 4 were admitted to the hospital on 24.11.2024 and discharged on 29.11.2024. The petitioners

were in judicial custody since the date of their discharge from the hospital till as of today. The statement of the victim has been recorded. The medical certificate reveals that the victim was treated as an outpatient and discharged on 24.11.2024.

8. In the light of the above, the petitioners established a *prima facie* case for enlarging them on bail. Accordingly, petitions are ***allowed***. The petitioners -accused No.2,3 and 4 are enlarged on bail in Crime No.373/2024 registered by the Madiwala police station, Bengaluru for the offence punishable under Sections 126(2), 115(2), 118(1), 100, 189(2), 189(4), 190 of BNS on the file of ****39th Additional Chief Metropolitan Magistrate Court, Bengaluru City***, subject to the following conditions:

(i) The petitioners-accused Nos.2, 3 and 4 each shall furnish bond for a sum of Rs.50,000/- (Rupees one lakh only);

(ii) They shall co-operate with the Investigating Officer for the purpose of investigation;

(iii) They shall not threaten the prosecution witnesses or lure in any manner;

*Corrected vide Court Order dated 24.01.2025.

Sd/-
JUDGE

(iv) They shall not leave the territorial limits without prior permission of the Investigating Officer;

(v) They shall not tamper with the prosecution evidence directly or indirectly.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

PSJ
List No.: 1 Sl No.: 37

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[SALMAN @ MOHAMMED SALMAN VS. THE STATE OF KARNATAKA]

24.01.2025
(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORDER ON 'BEING SPOKEN TO'

This matter is placed before this Court under the caption 'for being spoken to'. There is typographical error in the order dated 31.12.2024, at para 8, in the 4th line of the Order, the Crime No. has to be corrected as **374/2024**, and in the 7th and 8th line of the Order, the same has to be corrected as ***39th Additional Chief Metropolitan Magistrate Court, Bengaluru City***.

The Office is directed to correct the autograph accordingly, and to upload the corrected copy.

Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE

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List No.: 19 Sl No.: 2