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Rohit Cool @ Rohit vs the State of Karnataka

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Court : Karnataka Kalaburagi

Decided On : Feb-28-2025

Judge : S.Vishwajith Shetty

Appeal No. : CRL.P/200356/2025

Appellant : Rohit Cool @ Rohit

Respondent : The State of Karnataka

Judgement :

> -1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 28TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY CRIMINAL PETITION NO.200356 OF 2025 (438(Cr.PC)/482(BNSS)) BETWEEN: ROHIT COOL @ ROHIT S/O SHANKAR WADI, AGE:24 YEARS, OCC: NIL, R/O. H.NO.11-3348, BEHIND YALLAMMA TEMPLE, GANGA NAGAR, KALABURAGI, TQ. AND DIST. KALABURAGI.

PETITIONER (BY SRI PRASHANT S. MYAKERI, ADVOCATE) AND: Digitally signed by SHIVAKUMAR HIREMATH THE STATE OF KARNATAKA Location: HIGH THROUGH UNIVERSITY PS, KALABURAGI, COURT OF KARNATAKA (REPRESENTING BY, LEARNED ADDL. STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, AT KALABURAGI - 585107) RESPONDENT (BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRL.P IS FILED U/S 482 OF BNSS, 2023, PRAYING TO ALLOW THE PETITION FILE BY THE PETITIONER U/SEC. 482 OF BNSS 2023 AND DIRECTION MAY BE ISSUED TO RESPONDENT/UNIVERSITY POLICE TO RELEASE THE -2- PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO. 1/2025 OF UNIVERSITY POLICE STATION, KALABURAGI, PENDING ON THE FILE OF III ADDL. CJ (JD) AND JMFC AT KALABURAGI, FOR THE OFFENCES U/SEC. 109, 115(2), 118(1), 126(2), 189(2), 190, 191(2), 191(3), 351(2), 352 OF THE BHARATIYA NYAYA SANHITA (BNS), 2023. THIS PETITION COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY) Petitioner herein, who apprehends his arrest in Crime No.1/2025 registered by University Police Station, Kalaburagi, for the offences punishable under Sections 109, 115(2), 118(1), 126(2), 189(2), 191(2), 191(3), 351(2), 352 read with Section 190 of BNS, 2023, pending before the Court of III Additional Civil Judge (Jr.Dn.) and JMFC, Kalaburagi, is before this Court under Section 482 of BNSS, 2023 seeking anticipatory bail.

2. Heard learned counsel for the parties. -3-

3. FIR in Crime No.1/2025 was registered by

University Police Station, Kalaburagi for the aforesaid offences against one of Sharanu Lengati and four others on the basis of the first information received from Basavaraj S/o. Vijayakumar. Apprehending his arrest in the case, petitioner had filed Crl.Misc.No.167/2025 before the jurisdictional Sessions Court, which was rejected on 13.02.2025. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that

petitioner's name is not found in the FIR and only based on the confession statement of co-accused, who is arrested in the present case, the petitioner has been arraigned as an accused in the present case. The petitioner has no other criminal antecedents. Accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition. -4-

6. The first information in the present case was

submitted by Basavaraj S/o. Vijayakumar, who is an eyewitness to the incident in question. The first informant has specifically named five persons, who were present at the spot at the time of the incident in question and he has not stated the presence of any other person in addition to the five persons, who are named in the FIR. Considering the aforesaid aspects of the matter, this Court had granted anticipatory bail to similarly placed accused in Criminal Petition No.200212/2025. Accused Nos.1, 2, 4 and 5, who are arrested in the present case have been already granted regular bail in this case.

7. Under the said circumstances, I am of the opinion that petitioner's prayer for grant of anticipatory bail needs to be answered affirmatively. Accordingly, following:

ORDER

The criminal petition is allowed. -5- The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.1/2025 registered by University Police Station, Kalaburagi for the offences punishable under Sections 109, 115(2), 118(1), 126(2), 189(2), 191(2), 191(3), 351(2), 352 read with Section 190 of BNS, 2023, pending before the Court of III Additional Civil Judge (Jr.Dn.) and JMFC, Kalaburagi, subject to the following conditions:

1. Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the investigating officer.

2. Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioner shall not tamper with the prosecution witnesses and he shall co-operate with the police for investigation and appear before them whenever called upon. -6-

4. Petitioner shall not involve in similar offences in future. Sd/- (S.VISHWAJITH SHETTY) JUDGE SRT List No.: 1 Sl No.: 15 CT:PK

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