

Rasool @ Mohd Rasool vs the State of Karnataka

Rasool @ Mohd Rasool vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1635705

Court : Karnataka Kalaburagi

Decided On : Apr-29-2025

Judge : S Rachaiah

Appeal No. : CRL.P/200406/2025

Appellant : Rasool @ Mohd Rasool

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 29TH DAY OF APRIL, 2025 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL PETITION NO.200406 OF 2025 (439(Cr.PC)/483(BNSS)) BETWEEN: RASOOL @ MOHD. RASOOL S/O FAKEER PASHA, AGE:30 YEARS, OCC:LABOUR, R/O. MAILOOR, BIDAR-585401. PETITIONER (BY SRI SHIVASHARANA REDDY, ADVOCATE) AND: THE STATE OF KARNATAKA THROUGH,

Digitally signed NEW TOWN POLICE STATION, by RENUKA

RESPONDENT (BY SRI JAMADAR SHAHABUDDIN, HC GP) THIS CRL.P. IS FILED U/S 483 OF BNSS, 2023 PRAYING TO ALLOW THE PETITION AND PETITIONER BE ENLARGED ON REGULAR BAIL IN CRIME NO.118/2024 OF RESPONDENT NEW TOWN POLICE BIDAR

FOR THE OFFENCE PUNISHABLE U/SEC. 353, 332, 307,504, 506, 427 OF IPC AND U/S 3 OF PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT 1984 -2- PENDING ON THE FILE OF PRL. DIST AND SESSIONS JUDGE AT BIDAR IN SC NO.96/2024. THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 15.04.2025, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING: CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CAV ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH) This petition is filed by the sole accused seeking to

enlarge him on bail in Crime No.118/2024 of New Town police station, Bidar, arising out of S.C.No.96/2024, pending on the file of the Principal District and Sessions Judge, Bidar, registered for the offences punishable under Sections 353, 332, 307, 504, 506 and 427 of IPC and under Section 3 of the Prevention of Damage to Public Property Act, 1984.

2. Factual matrix of the case are as under: The respondent - police have registered a suo-moto case against the petitioner on the allegation that he has created nuisance in the Government Hospital at Bidar as -3-

he was diagnosed with HIV infection and also under the loss of mental control and frustration. Hence, he was taken to custody. However, during the said period, he had even assaulted the police officials and created nuisance. The police after conducting the investigation have submitted the charge sheet.

3. Heard Sri Shivasharana Reddy, learned counsel for the petitioner and Sri Jamadar Shahabuddin, learned High Court Government Pleader for the respondent/State.

4. It is the submission of the learned counsel for

the petitioner that the petitioner has been falsely implicated in this case by making false and frivolous allegations against him. In fact under Section 34(2) of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention of Control) Act, 2017, the legal proceedings concerning or relating to an HIV positive person, the Court shall take up and dispose of the

proceedings on priority basis. Such being the case, the health condition of the petitioner is deteriorating on every -4- day in the judicial custody and hence, he may be enlarged on bail.

5. It is further submitted that the petitioner will not commit the similar offence in future, if he is enlarged on bail and he will abide the conditions to be imposed by this Court in the event of releasing him on bail. Making such submissions, he prays to allow the petition.

6. Per contra, learned High Court Government

Pleader submitted that the petitioner is a habitual offender and he has created nuisance in the society, especially in the public at large. Since he is an infected person, there is likelihood of endangering the society at large. Therefore, it is not appropriate to grant him bail. Making such submissions, he prays to dismiss the petition.

7. Having considered the submissions made by

learned counsel for the parties, it is relevant to take note of the fact that the petitioner is suffering from HIV positive and he was creating nuisance in front of the hospital by -5-

damaging the public property. In the mean time, even the respondent - police went to the spot and the petitioner stated to have assaulted them also. Moreover, the alleged offences are heinous in nature and therefore, it is not appropriate to grant bail to the petitioner. Hence, I am of the considered opinion that the petition deserves to be dismissed. Hence, I proceed to pass the following:

ORDER

The criminal petition stands dismissed. Sd/- (S RACHAIAH) JUDGE SRT List No.:
1 SI No.: 33 CT:PK

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com