

Ranganatha vs the State of Karnataka

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Court : Karnataka Kalaburagi

Decided On : Mar-28-2025

Judge : S Rachaiah

Appeal No. : CRL.A/200083/2025

Appellant : Ranganatha

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL APPEAL NO.200083 OF 2025 (U/S 14 (A)(2)) BETWEEN:

1. RANGANATHA S/O TIMMAPPA AGE: 25 YEARS, OCC: STUDENT,

2. SAGAR @ VIDYASAGAR S/O RANGAPPA, AGE: 24 YEARS, OCC: AGRIL., BOTH ARE R/AT SIRWAR TOWN, TQ: SIRWAR, DIST: RAICHUR - 584129. APPELLANTS (BY SRI B. C. JAKA, ADVOCATE)
AND: Digitally signed

by RENUKA

1. THE STATE OF KARNATAKA, Location: HIGH

HIGH COURT OF KARNATAKA, KALABURAGI BENCH - 585107.

2. MALLAPPA S/O SHIVAGYANAPPA,

AGED ABOUT 50 YEARS, OCC: LABOURER, R/AT VIDYANAGAR SIRWAR, TQ: SIRWAR, DIST: RAICHUR - 584129. RESPONDENTS (BY SRI GOPALKRISHNA B. YADAV, HCGP FOR R1) -2- THIS CRIMINAL APPEAL IS FILED UNDER SECTION

14(A)(2) OF SC/ST (PA) ACT, PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE IMPUGNED ORDER DATED 24.02.2025 IN CRL.MISC. NO.89/2025, PASSED BY SPECIAL COURT FOR ATROCITY OFFENCES AND I ADDL. SESSIONS JUDGE RAICHUR AND RELEASE THE APPELLANTS ON REGULAR BAIL IN CRIME NO.14/2025, REGISTERED BY SIRWAR POLICE FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 189(2), 191(2), 191(3), 115(2), 118(1), 109, 352, 351(2) R/W SECTION 190 OF BNS, 2023 AND UNDER SECTIONS 3(1)(R), 3(1)(S), 3(2)(VA) OF THE SC AND ST (PA) ACT AGAINST THESE APPELLANTS, PENDING ON THE FILE OF THE ADDL. DISTRICT AND SESSIONS COURT AT RAICHUR.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE S RACHAIAH) This appeal has been filed by the appellants seeking for regular bail in Crime No.14/2025 for the offences stated supra. -3-

2. The father of the injured Sri Mallappa lodged a

complaint stating that on 23.01.2025 around 9-30 p.m. when he was at home, he had received an information over phone through his son-in-law that his son had been assaulted by the appellants and others and he had been admitted to hospital. On receiving the said information, he went to the hospital and saw his son, he was under treatment and he was not talking with anybody. Thereafter, he lodged a complaint before the respondent/police.

3. Heard learned counsel Sri B.C. Jaka, for the appellant and learned High Court Government Pleader Sri Gopalkrishna B. Yadav for the respondent No.1/State.

4. It is the submission of the learned counsel for

the appellants that the complainant is the hearsay witness and he was not aware about the incident. There is a delay in lodging the complaint. As per the averments of the complaint, the incident had taken place on 23.01.2025, -4- however, a complaint came to be registered on 24.01.2025. Therefore, the appellants may be enlarged on bail by imposing suitable conditions.

5. Per contra, the learned High Court Government

Pleader vehemently submitted that the incident had taken place on 23.01.2025 and the victim was admitted to the hospital. Immediately after receiving the information, the head constable No.241 of respondent/police received a written complaint and same has been reduced into FIR. Therefore, there is no delay in lodging the complaint and moreover it was a medico legal case. The son-in-law of the complainant was the eyewitness to the incident. Therefore, it is not appropriate to grant bail.

6. Having heard the learned counsel for the

respective parties and also perused the averments of the complaint, it appears that appellant No.1/Ranganatha and others stated to have assaulted the injured by scolding the name of the caste of the injured. The appellant No.2 -5- stated to have assaulted the injured with the knife and caused the injuries.

7. On going through the contents of the complaint,

I am of the opinion that the appellant No.1 may be ordered to be released on bail, however, the appellant No.2 is concerned, there are allegations against him which are very serious in nature. Therefore, his application for bail requires to be rejected.

8. Hence, I proceed to pass the following:

ORDER

(i) The Appeal is allowed in part.

(ii) The impugned order dated 24.02.2025, in

Criminal Miscellaneous No.89/2025, passed by the Special Court for Atrocity offences and I Additional Sessions Judge, Raichur is set aside insofar as the appellant No.1 is concerned.

(iii) The Appellant No.1 is enlarged on bail in Crime

No.14/2025, registered by the Sirwar Police Station, for the offences punishable under Sections 189(2), 191(2), 191(3), 115(2), 118(1), 109, 352, 351(2) R/w Section 190 of BNS, 2023 -6- and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC and ST (PA) Act, by executing personal bond for a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court on the following conditions: a. The appellant No.1 shall not threaten or tamper the prosecution witnesses. b. The appellant No.1 shall appear before the Trial Court on all hearing dates without fail. c. The appellant No.1 shall co-operate for investigation as and when required. d. The appellant No.1 shall not leave the jurisdiction of the Trial Court till disposal of the case.

(iv) The appeal filed by the appellant No.2 is dismissed. Sd/- (S RACHAIAH)
JUDGE RSP List No.: 1 SI No.: 13 CT: PK

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