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Amarappa vs the State of Karnataka

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Court : Karnataka Kalaburagi

Decided On : May-22-2025

Judge : T.M.Nadaf

Appeal No. : CRL.P/200881/2025

Appellant : Amarappa

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 22ND DAY OF MAY, 2025 BEFORE THE HON'BLE MR JUSTICE T.M.NADAF CRIMINAL PETITION NO. 200881 OF 2025 (438(Cr.PC)/482(BNSS) BETWEEN:

1. AMARAPPA S/O BHEEMAPPA HANUMANAL AGE 55 YEARS, OCC AGRICULTURE R/O KARADACHILUME VILLAGE, TQ: SINDHANUR DIST: RAICHUR - 584128.

2. DYAVAMMA W/O AMARAPPA HANUMANAL AGE: 50 YEARS, OCC: HOUSEHOLD R/O KARADACHILUME VILLAGE, TQ: SINDHANUR DIST: RAICHUR - 584128.

3. RANGAMMA W/O MARIYAPPA HANUMANAL

AGE: 55 YEARS, OCC: HOUSEHOLD R/O KARADACHILUME, TQ: SINDHANUR Digitally signed DIST: RAICHUR - 584128. by LUCYGRACE PETITIONERS Location: HIGH COURT OF KARNATAKA (BY SRI MAHANTESH PATIL, ADVOCATE) AND: THE STATE OF KARNATAKA R/BY ADDL SPP HIGH COURT OF KARNATAKA BENCH AT KALABURAGI - 585103. (THROUGH TURVIHAL P S DIST: RAICHUR 584124) RESPONDENT (BY SRI G.B. YADAV, HCGP) -2- THIS CRIMINAL PETITION IS FILED UNDER SECTION 482

OF BNSS, 2023 (NEW), PRAYING TO GRANT THE ANTICIPATORY BAIL TO THE PETITIONERS AND DIRECT THE TURVIHAL PS TO RELEASE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO.52/2025 REGISTERED BY THE TURVIHAL P.S. FOR THE OFFENCE PUNISHABLE U/SEC. 352, 115(2), 118(1), 109, 351(2) AND (3) AND 3(5) OF BNS 2023, PENDING ON THE FILE OF ADDL. CIVIL JUDGE (JR.DN) AND JMFC AT SINDHANUR DISTRICT RAICHUR.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR JUSTICE T.M.NADAF) This petition is filed by accused Nos.2 to 4 under Section 482 of BNSS, 2023 in Crime No.52/2025 registered by the Turvihal Police Station, Raichur District for the offences punishable under Sections 352, 115(2), 118 (1), 109, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 [for short, the BNS, 2023].

2. The factual matrix leading to the prosecution

case are that the family of the complainant and family of the petitioner and other accused having 27 acres of land in all, in Karadachilume village. In a family partition, 9 acres -3- of land fallen to the share of deceased father of the

complainant. The complainant and her sister Mahakalemma being the only daughters to their deceased father Chatrappa, approached the revenue authorities to enter their name, in the place of their deceased father to which accused Nos.1 and 2 raised objections. In the context of this civil dispute, on 06.04.2025 at about 8.30 p.m. when the complainant, sister of the complainant Mahakalemma and her husband by name Mahakaleppa were in their house, the petitioner and other accused went to the house of the complainant and picked up quarrel and in the said quarrel accused No.1 assaulted Mahakaleppa

with an axe on the head causing bleeding injury. It is alleged in the complaint that the petitioner No.1 i.e., accused No.2 assaulted the injured with stones and accused Nos.3 and 4 assaulted with hands. Due to the assault, the injured was admitted to RIMS hospital and subsequently he was discharged. On the basis of the complaint, the accused No.1 was arrested on 08.04.2025 by the Police. The Co-ordinate Bench of this Court in -4- Criminal Petition No.200841/2025 admitted accused No.1 on bail.

3. Heard Sri Mahantesh Patil, learned counsel for the petitioners and Sri G.B. Yadav, learned High Court Government Pleader for the respondent- State.

4. Sri Mahantesh Patil with vehemence submits that admittedly there is a civil dispute. The complaint is filed as an arm twisting measure to get advantage in the civil dispute. The allegations against petitioner No.1 is that he has assaulted the injured victim with stones on his

head and accused Nos.3 and 4 with hands. The injured who was admitted in the hospital is now discharged. The accused No.1 was arrested and is enlarged on bail by the

order of this Court in Criminal Petition stated supra. With

this, he submits that the petitioners may be admitted on anticipatory bail.

5. The Sri G.B. Yadav, learned HCGP, refuting the submissions of learned counsel for the petitioners, submits -5-

that there are specific overt acts made against these petitioners. Though accused No.1 had assaulted with axe, petitioner No.1 who is accused No.2 also assaulted the victim with stone which is also reason for causing bleeding injuries. The case before this Court while granting bail to accused No.1 is that he was arrested on 08.04.2025 and was in custody till he was granted bail and so also the civil dispute between the parties are the reasons for this Court

to admit accused No.1 on bail. The petitioners are absconding since the date of registration of crime and not co-operating with the investigation. If they are enlarged on bail, they may again abscond and cause hindrance in the investigation as well as smooth trial of the case. With this, he prays to dismiss the petition.

6. Having heard the learned counsel for the parties

and perusal of the records, the only point that arises for my consideration is: Whether in the facts and circumstances of the case, the petitioners can be admitted to bail? -6-

7. The records, more particularly in the complaint,

the allegations are that the entire episode of assault on the injured was with respect to property dispute wherein the complainant and her sister made application to the revenue authorities to include their name in the RTC of the properties by deleting the name of their deceased father. The accused and the complainant are close relatives.

There is civil dispute between them. The injured was admitted to the hospital and is now discharged. This Court, while enlarging accused No.1 on bail, observed in para-4 as follows:

> 4. On careful perusal the entire material placed on record, it could be gathered that there was a civil dispute between the complainant and accused, owing to the same alleged incident has been caused. Further, the injured complainant has already been discharged from the hospital

and the investigation is almost completed. In such circumstances, without expressing any opinion regarding merits of the case, suffice to hold that the petitioner may be enlarged on bail. Accordingly, the petition deserves to be allowed. Hence, the following: -7-

8. From the material on record, it could be

gathered that the incident of assault had taken place at 8.30 p.m. on 06.04.2025 whereas the case came to be registered on 07.04.2025 at 1.20 p.m. It is the contention of the learned counsel for the petitioners that the delay in registering the FIR is not properly explained. The fact remains that there is a civil dispute between the parties and that the victim is now been discharged. The co-

ordinate bench of this Court in Criminal Petition No.200841/2025 at para-4, which I have already extracted above, is of the view that there is a civil dispute between the parties and the injured having been discharged from the hospital and the investigation is almost completed, without expressing anything on merits admitted the

accused No.1 on bail. In the peculiar facts and circumstances of the case, as there is a civil dispute between the parties which has resulted in registering the crime, without expressing anything on merits, this Court feels that the petitioners are entitled for the relief sought for. Accordingly the point for consideration is answered in

-8- favour of the petitioners, in the affirmative. Accordingly, I pass the following:

ORDER

The petition filed under Section 482 of BNSS, 2023 is

allowed. The respondent - Police are hereby directed to release the petitioners on bail in the event of their arrest in Crime No.52/2025 dated 07.04.2025 registered by the Turvihal Police Station, Raichur district for the offences punishable under Sections 352, 115(2), 109, 351(2), 351(3), 3(5) of BNS, 2023 on the following conditions:

(i) The petitioners shall appear before the

Investigating Officer within 15 days from today. On their appearance, the Investigating Officer shall release them on anticipatory bail, on petitioners executing a personal bond for a sum of Rs.1,00,000/- [Rupees One Lakh only] each with two sureties for the likesum to the satisfaction of the Investigating Officer. -9-

(ii) The petitioners shall co-operate with the Investigating Officer and be present whenever summoned for investigation without fail.

(iii) The petitioners shall mark their attendance on every alternative Sunday between 10.00 a.m. to 2.00 p.m. till completion of Investigation and filing of the charge-sheet.

(iv) The petitioners shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

(v) The petitioners shall not tamper with the prosecution witnesses and they shall co- operate with the police for investigation and appear before them whenever called upon.

(vi) The petitioners shall not involve in similar offences in future.

(vii) The petitioners shall file a formal regular bail application before the concerned Court within 15 days from the date of their - 10 -

release on anticipatory bail by the Police. The concerned Court shall consider the bail application as per the order of this Court. (viii) The petitioners shall not leave the jurisdiction of the Sessions Court without prior permission; If any of the above conditions are violated, prosecution will be entitled to seek cancellation of bail. Ordered accordingly. Sd/- (T.M.NADAF) JUDGE SWK List No.: 1 Sl No.: 19 CT: PS

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