

Mr.Vinay Kumar vs State of Karnataka

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Court : Karnataka

Decided On : Feb-28-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.P/1848/2025

Appellant : Mr.Vinay Kumar

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025 BEFORE THE
HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION
NO. 1848 OF 2025 (438(Cr.PC) / 482(BNSS)) BETWEEN:

1. MR. VINAY KUMAR S/O. SRI. GOPAL MESTHA, AGED ABOUT 35
YEARS, R/AT NO.10/159, CHATINA GADDE, UDUPI-576214.

2. MR. SHRINATH MESTHA,

S/O. SRI. PARAMESHWARA MESTHA, AGED ABOUT 32 YEARS, R/AT NO.10-
114, NEW COLONY, Digitally 3. MR. SHANKAR V. MESTHA, signed by

LAKSHMI T S/O. SRI. VASU MESTHA, Location: AGED ABOUT 45 YEARS, High Court of Karnataka R/AT NO.9-56, HADIVANA KONE,

4. MR. ANNAPPA V. MESTHA, S/O. SRI. VITTAPPA MESTHA, AGED ABOUT 44 YEARS, R/AT 1-95, MOORKODI, ALANDOOR, YEDTHARE, UDUPI-576 214.

5. MR. RAMANATH P MESTHA, S/O. LATE PARAMESHWARA MESTHA, -2- AGED ABOUT 56 YEARS, R/AT 11/3, SANKADA GUNDI,

6. MR. BHARATH MESTHA, S/O. SRI. HANUMANTHA G MESTHA, AGED ABOUT 56 YEARS, R/AT NO.10/160, SCHOOL BACK SIDE, KULLIBERMU, HADVINKONE,

7. MR. KARTHIK MESTHA, S/O. SRI. PARAMESHWARA MESTHA, AGED ABOUT 34 YEARS, R/AT NO.12/439, ALVEGADDE, PETITIONERS (BY SRI. KIRAN N., ADVOCATE) AND: STATE OF KARNATAKA BY BYNDOOR POLICE STATION, REPRESENTED BY S.P.P. HIGH COURT OF KARNATAKA, BANGALORE-560 001. RESPONDENT (BY SRI. RANGASWAMY R., HCGP) THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482

BNSS) PRAYING TO ENLARGE THEM ON ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST BY THE RESPONDENT IN CONNECTION WITH CRIME NO.12/2025 REGISTERED BY THE BYNDOOR POLICE STATION, PENDING ON THE FILE OF CIVIL JUDGE AND J.M.F.C. COURT, BYNDOOR, UDUPI DISTRICT FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION -3- 189(2), 191(2), 118(1), 191(3), 115(2), 109, 119(1), 352, 351(2), R/W 190 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 MOHAMMAD NAWAZ

ORAL ORDER

Heard the learned counsel for petitioners, the learned HCJP for State and perused the material on record.

2. Cr.No.12/2025 of Byndoor Police Station is

registered against accused Nos.1 to 10 for offences punishable under Sections 189(2), 191(2), 118(1), 191(3), 115(2), 109, 119(1), 352, 351(2), 190 of BNS, 2023.

3. In the complaint lodged by one Mamatha W/o

Nagaraj Venkappa Mestha, she has alleged that on 12.1.2025 at about 9.45 p.m., all the accused formed an unlawful assembly armed with wooden clubs, sticks etc., abused her and others and assaulted and caused injuries -4- to Manjunath Mestha, Shashikumar, Sanjay and her husband Nagaraj Mestha.

4. The injured are said to have taken treatment at

Government Hospital, Kundapura. The learned High Court Government Pleader has furnished the wound certificates of the injured. The injuries sustained by them are said to be simple in nature.

5. Learned counsel for petitioners has furnished a

copy of the FIR registered in Cr.No.11/2025 at Byndoor Police Station against Prabhakar Mestha and three others, in respect of an incident took place on the very same day at about 11.15 p.m., on a complaint lodged by accused No.8- Ramanath Mestha in the present case. In the said case, one Pradeep Mestha and Ramanath Mestha are said to be the injured. The said crime is registered for offences punishable under Section 189(2), 191(2), 191(3), 329(3), 115(2), 109, 324(3), 352 and 190 of BNS, 2023. -5-

6. It is contended by the learned counsel that after registration of Cr.No.11/2025 on 13.1.2025, as a counter blast, the present case is registered against the petitioners and others on 14.1.2025.

7. It is contended by the learned counsel for the

petitioners that the petitioners are Members of the Committee namely Sri Durgambika Seva Sangha, association constituted for the administration of goddess Durgamika Temple situated at Shiroor, Kundapura, Udupi and the said Committee is headed by petitioner No.5.

8. From the complaint averments, it appears that

there is a dispute with regard to management of a temple. Both the parties have lodged complaints against each other. Petitioners have undertaken to appear before the I.O. and co-operate with the investigation of the case.

9. Considering the facts and circumstances,

without expressing any view on the merits of the case, petitioners can be directed to appear before the I.O. and -6- co-operate with the investigation of the case. Hence, the following:

ORDER

1. Petition is allowed.

2. Petitioners/accused Nos.3 to 6, 8 to 10 in Crime

No.12/2025 registered by Byndoor Police Station, shall be released in the event of their arrest, subject to following conditions: a) They shall appear before the Investigating Officer within a period of one week from

the date of receipt of a copy of this order

and shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each, with a surety for the likesum. b) They shall furnish their residential address/contact number and shall inform the I.O. in case of any change in the address/contact number. c) They shall co-operate with the investigation of the case. -7- d) They shall not tamper with the prosecution evidence/witnesses either directly or indirectly. e) They shall be regular in attending the Court proceedings.

Sd/- (MOHAMMAD NAWAZ) JUDGE TL List No.: 1 Sl No.: 39 Ct:ar

