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Mohan N vs State of Karnataka

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Court : Karnataka

Decided On : Apr-29-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/1977/2025

Appellant : Mohan N

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2025 BEFORE THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 1977 OF 2025 BETWEEN: MOHAN N S/O HANUMANTHAIAH AGED ABOUT 35 YEARS R/AT KODIGEHALLI COLONY YESHAVANTHAPURA HOBLI BENGALURU - 560 092. PETITIONER (BY SMT. SUMA HIREBIDARI, ADV.) AND: STATE OF KARNATAKA BY THAVAREKERE POLICE STATION, RAMANAGAR - 562 130. REPRESENTED BY STATE PUBLIC PROSECUTOR, HIGH COURT BUILDING BENGALURU - 560 001.

Digitally RESPONDENT signed by NANDINI D (BY SMT. WAHEEDA M.M, HCGP) Location: HIGH COURT THIS CRL.P IS FILED U/S 439 OF CR.P.C. (FILED U/S 483 OF KARNATAKA BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN S.C.NO.291/2018 IN CR.NO.154/2017 FOR THE ALLEGED OFFENCES P/U/S 143, 147, 148, 342, 307, 302 R/W 149 OF IPC REGISTERED BY TAVAREKERE POLICE BENGALURU NOW PENDING ON THE FILE OF I ADDL.DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL AT BENGALURU.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER

WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY -2-

ORAL ORDER

Accused No.1 in S.C.No.291/2018 pending before the Court of I Additional District and Sessions Court, Bengaluru Rural District, arising out of Crime No.154/2017 registered by Tavarekere Police Station, Ramanagara District, for the offences punishable under Section 143, 147, 148, 342, 307, 302 R/w 149 of IPC, is before this Court seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.154/2017 was registered by Tavarekere

Police Station, Ramanagara District, initially said offenses punishable under Section 143, 147, 148, 307, 506, 342 R/w 149 of IPC., against the petitioner herein and four others, based on the first information dated 17.05.2017 received from Ramesh.

4. The petitioner is said to have been arrested in the

present case on 23.05.2017 and subsequently, remanded to judicial custody. After completing investigation, charge sheet has been filed against six persons. Petitioner herein is arrayed as accused No.1 in the charge sheet. His bail

application filed before the Sessions Court was rejected, and therefore, he had approached this Court in

Crl.P.No.194/2018, which was dismissed by this Court vide order

dated 15.02.2018. Thereafter, the petitioner had approached this court in Crl.P.No.3939/2018, which was dismissed on 18.12.2018, -3-

with a request to the Trial Court to conduct the trial, as expeditiously possible. Subsequently, the petitioner once again approached this court in Crl.P.No.6322/2019, on the ground that his mother was ailing and the said petition also came to be dismissed on 17.02.2020. Thereafter, the Trial Court trial in the case had commenced after examination of the material charge sheet witnesses, petitioner had filed fresh bail application before the Trial Court in SC.No.291/2018 which was also dismissed on 04.01.2025. Therefore he is before this court.

5. Learned Counsel for the petitioner submits that

petitioner has no criminal antecedents and he is in judicial custody for the last 8 years. Material charge sheet witnesses have already been examined. Injured victim CW.2 has turned hostile. The other accused persons have already been enlarged on bail.

6. Per contra, learned HCGP has opposed the petition and submits that the petitioner is a person with criminal antecedents, and therefore, his prayer needs to be rejected.

7. FIR was initially registered against petitioner and other 6 persons on the allegations that they had assaulted Venkatesh and Arun Kumar (CW.2) with deadly weapons. During the course of investigation, petitioner was arrested, subsequently injured Venkatesh died in the hospital on 28.05.2017. Thereafter, offence -4-

punishable under Section 302 of IPC was invoked against the accused, According to the prosecution dying declaration of Venkatesh was recorded and CW.2 is the injured witness. Considering the above said aspects of the matter, the Co-ordinate

bench of this court initially rejected the bail application of the petitioner filed in Crl.P.No.194/2018 vide order dated 15.02.2018. Trial in the case has commenced, and as on this date 16 charge sheet witnesses are examined as P.W.1 to 16 and material charge sheet witnesses CW.2 - Arun Kumar who is eye witness has been already examined as P.W.2.

8. Learned counsel for the petitioner has brought to the

notice of this Court that PW2 has turned hostile to the case of the prosecution. The petitioner, who has no other criminal antecedents, is in custody for the last 8 years. The other accused persons have already been enlarged on bail. Material charge sheet witnesses are examined before the Trial Court as on this date. Prosecution, in all has cited 38 charge sheet witnesses in present case, but only 16 witnesses have been examined. Considering the above aspects, I am of the opinion that the prayer made by the petitioner for grant of regular bail is required to be answered affirmatively. Accordingly, the following:-

ORDER

The petition is allowed. -5- The petitioner is directed to be enlarged on bail in

S.C.No.291/2018 pending before the Court I Additional District and Sessions Court, Bengaluru Rural District, arising out of Crime No.154/2017 registered by Tavarekere Police Station, Ramanagara District, for the offence punishable under Sections 143, 147, 148, 342, 307, 302 R/w 149 of IPC, subject to the following conditions:

a) 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 jurisdictional Court; b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons; c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses; d) The petitioner shall not involve in similar offences in future; e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off. Sd/- (S VISHWAJITH

SHETTY) JUDGE SRK/List No.: 1 Sl No.: 23 CT:SK

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