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

Raghavendra vs State of Karnataka

Raghavendra vs State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1679451

Court : Karnataka

Decided On : Mar-28-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/3836/2025

Appellant : Raghavendra

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 3836 OF 2025 BETWEEN: RAGHAVENDRA S/O. SREERAMULU, AGED ABOUT 28 YEARS, RESIDING AT NO.40, KALPATARU LAYOUT, NELAGADARANAHALLI, NAGASANDRA POST, BENGALURU - 560 073. PETITIONER (BY SRI. DEVARAJA L K., ADVOCATE) AND: STATE OF KARNATAKA SHO, PEENYA PS BENGALURU CITY, REPTD. BY STATE PUBLIC PROSECUTOR, DISTRICT AND SESSIONS COURTS,

Digitally signed by SWAPNA V BENGALURU CITY. Location: High RESPONDENT Court of Karnataka (BY SMT. PUSHPALATHA B., ADDL. SPP) THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE HIM ON BAIL IN CR. NO.45/2025 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 109, 118(1), 126(2), 352, 238 R/W 3(5) OF BNS, OF THE RESPONDENT POLICE I.E., PEENYA POLICE PENDING ON THE FILE OF 31ST ACJM AT BENGALURU CITY. 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.2 in Crime No.45/2025 registered by Peenya Police Station, Bengaluru, for offences punishable under Sections 109, 118(1), 126(2), 352, 238 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') is before this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.45/2025 was registered by Peenya

Police Station, Bengaluru against Hariprasad and his friends for the aforesaid offences on the basis of the first information dated 28.01.2025 received from Yogesha.A, who is one of the injured in the present case.

4. During the course of investigation of the case,

petitioner herein was arrested on 29.01.2025 and in his remand application, he was arrayed as accused No.2. Bail application filed by the petitioner in Crl.Misc.No.959/2025 before the Jurisdictional Sessions Court which was rejected on 06.02.2025. Therefore, the petitioner is before this Court. -3-

5. Learned counsel for the petitioner submits that

petitioner's name is not found in the FIR and he has no criminal antecedents. There are no specific overt act against him. Major portion of investigation is completed. Accordingly, prays to allow the petition.

6. Per contra, learned Additional SPP has opposed the petition.

7. Perusal of the averments found in the first

information would go to show that first informant's friend Fairoz Patan had called him on 27.01.2025 and informed him that his younger brother Mohamed Shabaz had borrowed money from accused No.1 - Hariprasad and since, he had failed to repay the amount borrowed, Hariprasad had taken his scooter and when Mohamed Shabaz had gone to meet Hariprasad with a request to return his scooter, he had refused to return the scooter and was demanding repayment of the money borrowed. On receipt of such an information from Fairoz Patan, first informant along with his friends Manjunatha, Sagar and Sanath had gone to the place where accused No.1 was found along with Mohammed Shabaj and had requested Hariprasad to return the scooter. It appears that thereafter, there was a fight between two parties

-4- and accused persons allegedly had assaulted the first informant, his friends and also Mohammed Shabaj and it is in this background, first informant had approached police on 28.01.2025.

8. Petitioner, who is arrested in the present case on

29.01.2025 has been remanded to judicial custody on the very same day. Wound Certificate of the injured victim would go to show that, except Mohammed Shabaj other victims have suffered simple injuries. Mohammed Shabaj, who was admitted in the hospital has been discharged and his condition is said to be stable. Though Mohammed Shabaj was with the accused persons prior to the first informant and his friends reaching the alleged spot of crime, the accused persons had not assaulted Mohammed Shabaj and it is only after the first informant and his friends reached the spot of crime and asked the accused persons to return the scooter of

Mohammed Shabaj, it appears that fight had taken place between two parties and accused

persons allegedly assaulted first informant and others. Undisputedly, petitioner has no other criminal antecedents. Considering the background in which the incident in question had taken place and also the fact that petitioner has no criminal -5- antecedents, 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. The petitioner is directed to be enlarged on bail in Crime No.45/2025 registered by Peenya Police Station, Bengaluru, for offences punishable under Sections 109, 118(1), 126(2), 352, 238 read with Section 3(5) of BNS, subject to the following conditions:

a) Petitioner shall execute 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; -6-

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 SPV List No.: 1 Sl No.: 69

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