

Naga vs State of Karnataka

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Court : Karnataka

Decided On : Apr-23-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/4911/2025

Appellant : NAGA

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2025 BEFORE THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 4911 OF 2025 BETWEEN: NAGA, S/O, BASAVEGOWDA, AGED ABOUT 34 YEARS, RESIDING AT YARIYURU VILLAGE, YEALANDUR TALUK, CHAMARAJANAGAR DISTRICT - 571 441. PETITIONER (BY SRI. PREETHA M.,ADVOCATE) AND: STATE OF KARNATAKA, THROUGH YELANDURU POLICE STATION, BENGALURU

Digitally

REPRESENTED BY signed by

STATE PUBLIC

High Court of Karnataka RESPONDENT

(BY SRI.K NAGESHWARAPPA., HCGP) THIS CRL.P IS FILED U/S 438 OF CR.PC (FILED U/S 482 BNNS) PRAYING TO DIRECT THE RESPONDENT POLICE TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN CR.NO.208/2024 OF YELANDUR POLICE FOR THE OFFENCE P/U/S 352, 133, 115(2), 74, 54, 118(1), 351(2) R/W 3(5) OF BNS, PENDING BEFORE THE CIVIL JUDGE AND JMFC COURT, YELANDUR, CHAMARAJANAGAR DISTRICT. -2-

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in Crime No.208/2024 registered by Yelandur Police Station, Chamarajanagara, for offences punishable under Section 352, 133, 115(2), 74, 54, 118(1), 351(2) read with Section 3(5) of BNS 2023 is before this Court under Section 482 of BNSS, 2023 seeking anticipatory bail.

2. Heard.

3. FIR in Crime No.208/2024 was registered by

Yelandur Police Station, Chamarajanagara for the aforesaid offences against the petitioner and others, based on the first information dated 05.12.2024 received from Shivanna S/o Nagashetty, who is one of the injured victim in the present case. Apprehending arrest in the said case petitioner had filed Crl.Misc.No.14/2025 before the Jurisdictional Sessions Court which was rejected as against -3- him on 30th January, 2025. Therefore, petitioner is before this Court.

4. Perusal of the material on record would go to

show that there is a case and counter case in respect of the alleged incident that had taken place on 04.12.2024. FIR in Crime No.208/2024 and in Crime No.209/2024 has

been registered by Yelandur Police Station, Chamarajanagara, almost for similar offences against both the parties. FIR in Crime No.208/2024 was registered against the petitioner and two others, based on the first information submitted by Shivanna S/o Nagashetty. FIR in Crime No.209/2024 was registered against Devaraju and three others based on the first information received from Shantamma, who is arraigned as accused No.2 in Crime No.208/2024. All the injured victims in the present case are arrayed as accused in Crime No.209/2024.

5. It appears that there is a civil dispute between the parties and it is in this background, two parties had fought against each other and case and counter case has -4-

been registered. None of the victims have suffered any grievous injuries in the incident in question. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner for grant of anticipatory bail needs to be answered affirmatively. Accordingly, the following:

ORDER

The Criminal Petition is allowed. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest registered by Yelandur Police Station, Chamarajanagara, for offences punishable under Section 352, 133, 115(2), 74, 54, 118(1), 351(2) read with Section 3(5) of BNS 2023, subject to the following conditions:

1. The Petitioner shall appear before

the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two -5- sureties for the likesum to the satisfaction of the

investigating officer.

2. Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for investigation and appear before them whenever called upon.

4. The Petitioner shall not involve in similar offences in future; Sd/- (S VISHWAJITH SHETTY) JUDGE KVR List No.: 2 Sl No.: 8

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