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Nihal K vs the State of Karnataka

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Court : Karnataka

Decided On : Jun-30-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/5401/2025

Appellant : Nihal K

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2025 BEFORE THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 5401 OF 2025 BETWEEN:

1. NIHAL K,

S/O ABDU RAHIMAN, AGED ABOUT 20 YEARS, R/A KOTHALATHIL HOUSE, KANCHIRATTUKUNNU, MANJERO POST, KERALA - 676 121. PETITIONER (BY SRI. MADHU E.K., ADV. FOR MISS.SHARON JENIFER A., ADV.) AND: Digitally signed by NANDINI M S 1. THE

STATE OF KARNATAKA Location: HIGH BY CEN PS, BUNDER, COURT OF KARNATAKA MANGALURU, REPRESENTED BY ITS STATE PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA BENGALURU - 560 001. RESPONDENT (BY SRI.RANGASWAMY, HCGP.) THIS CRL.P. IS FILED U/S 438 CR.PC (FILED U/S 482 BNNS) PRAYING TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN CRIME NO.41/2024 REGISTERED BY -2- CEN POLICE STATION, BUNDER, MANGALURU FOR THE O/P/U/S 111(2), 318(4) OF BNS AND SECTION 66D OF I.T ACT, 2008, PENDING BEFORE THE COURT OF V ADDL DISTRICT AND SESSIONS JUDGE, D.K. MANGALURU SITTING AT PUTTUR. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

The petitioner who is apprehending arrest in Crime No.41/2024 registered by CEN Police Station, Bunder, Mangaluru, for the offences punishable under Sections 111(2), 318(4) of BNS, 2023 and Section 66(D) of Information Technology Act, 2008 pending before the Court of V Additional District and Sessions Judge, D.K., Mangaluru, is before this Court under Section 482 of BNSS, 2023, seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned HCGP for the respondent. -3-

3. FIR in Crime No.41/2024 was registered by CEN

Police Station, Bunder, Mangaluru for the aforesaid offences against unknown persons based on the first information received on 30.08.2024 from Vidyarani, wife of Jeevan J Rai.

4. During the course of investigation of the case, it

appears that the Investigating Officer had issued an enquiry notice under Section 35(3) of BNSS, 2023 to the petitioner and apprehending arrest in the case, the petitioner had filed Crl.Misc.No.5042/2025 before the jurisdictional Court which was rejected on 26.03.2025. Therefore, he is before this Court.

5. Learned counsel for the petitioner submits that

the petitioner is a student studying ITI Diploma course at Manjeri, Malappuram District, Kerala. He also submits that the petitioner has no criminal antecedents and that no money has been transferred to the account of the petitioner from the account of the first informant. He -4- submits that the petitioner is ready and willing to co- operate with the Investigating Officer. Accordingly, he prays for anticipatory bail.

6. Per contra, learned HCGP, on instructions,

submits that on suspicion, enquiry notice has been issued against the petitioner though there was no direct transfer of money from the account of the first informant to the account of the petitioner. He also submits that the petitioner hails from Kerala and it would be difficult to secure his presence. Accordingly, he prays to dismiss the petition.

7. Perusal of the material on record would go to

show that the petitioner is aged about 20 years and he is a student pursuing his ITI Diploma course in a private institution at Manjeri in Kerala State. His bank account extract is produced before the Court. A perusal of the same would go to show that there is no transaction of any amount to his bank account from the account of the first -5- informant and reportedly, petitioner has no criminal antecedents.

8. Learned HCGP has submitted that only on

suspicion the petitioner has been issued with enquiry notice. The alleged offences are triable by a Court of Magistrate and the maximum punishment for the same is imprisonment for a period of seven years. Under the circumstances, I am of the opinion that reserving liberty to the Investigating Officer to seek custody of the

petitioner for interrogation, if necessary, by filing necessary application before the jurisdictional Court, this petition is required to be allowed, subject to the appropriate conditions. Accordingly, the following:-

ORDER

(i) The Petition is allowed.

(ii) The respondent - Police or any other police in

the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.41/2024 registered by CEN Police Station, Bunder, Mangaluru, for -6- the offences punishable under Sections 111(2), 318(4) of BNS, 2023 and Section 66(D) of Information Technology Act, 2008 pending before the Court of V Additional District and Sessions Judge, D.K., Mangaluru, subject to following conditions:

(a) The petitioner is directed to appear before

> the Investigating Officer in Crime No.41/2024 on 07.07.2025 between 10 a.m. and 10.30 a.m. and on the said day, the Investigating Officer is at liberty to take the petitioner into custody for the purpose of interrogation, if necessary. However, it is made clear that on the same day, the petitioner shall be released on or before 6 p.m., subject to petitioner executing a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the Investigating Officer;

b) Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons. c) Petitioner shall not tamper with the prosecution witness and he shall co-operate -7- with the police for investigation and appear before them whenever called upon. d) The petitioner shall not involve in similar offences in future. Sd/- (S VISHWAJITH SHETTY) JUDGE PKS List No.: 1 Sl No.: 61

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