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V Arunkumar @ Arun vs State of Karnataka

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Court : Karnataka

Decided On : May-22-2025

Judge : S Rachaiah

Appeal No. : CRL.P/7095/2025

Appellant : V Arunkumar @ Arun

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF MAY, 2025 BEFORE THE HON'BLE MR JUSTICE S RACHAIAH CRIMINAL PETITION NO. 7095 OF 2025 (439(Cr.PC)/483(BNSS)) C/W CRIMINAL PETITION NO. 7191 OF 2025 IN CRL.P No. 7095/2025 BETWEEN:

1. V ARUNKUMAR @ ARUN S/O. LATE. VENUGOPAL, AGED ABOUT 32 YEARS, R/O. PEDDABELAGONDANAPALLI VILLAGE, DENKANI KOTE TALUK, KRISHNAGIRI DISTRICT, TAMILNADU-635117

2. MANOJ G @ MANU, S/O. GOVINDARAJU, Digitally signed by

SREEDHARAN BANGALORE AGED ABOUT 20 YEARS,SUSHMA LAKSHMI

Karnataka BOMMASANDRA INDUSTRIAL AREA, PERMANENT ADDRESS PEDDABELAGONDANAPALLI VILLAGE, DENKANI KOTE TALUK KRISHNAGIRI DISTRICT TAMILNADU-635 117 PETITIONERS (BY SRI. SRINATHA BV., ADVOCATE) -2- AND: STATE OF KARNATAKA REP BY SUB INSPECTOR MALUR POLICE STATION MALUR TALUK KOLAR DISTRICT -563130. REP.BY STATE PUBLIC PROSECUTOR OFFICE ATTACHED TO HIGH COURT BUILDING, DR.B.R.AMBEDKAR VEEDHI BENGALURU-560 001 RESPONDENT (BY SMT. WAHEEDA M.M., HCGP) THIS CRL.P IS FILED UNDER SECTION 439 CR.PC (FILED

U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THEM AN REGULAR BAIL IN CR.NO.88/2025 (MALUR P.S KOLAR DISTRICT) FOR THE O/P/U/S 189(2), 191(3), 118(1), 109, 103(1), 190 OF BNSS-2023 SAME IS PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (JR.DVN) AND JMFC COURT AT MALUR.

IN CRL.P NO. 7191/2025 BETWEEN: MR.SATHISH RAJ S @ SATHISH S/O MR. SHIVAKUMAR R/AT NO.23, GIRIGEPALLY, AGED ABOUT 24 YEARS, UTHANGARAI TALUK, KRISHNAGIRI DISTRICT, TAMIL NADU 635 001 ...PETITIONER (BY SRI. SWAMINATH T., ADV.) -3- AND: STATE OF KARNATAKA REP, BY SUB INSPECTOR, MALUR POLICE STATION MALUR TALUK, KOLAR DISTRICT -563130. REP. BY STATE PUBLIC PROSECUTOR, OFFICE ATTACHED TO HIGH COURT BUILDING, DR. B.R. AMBEDKAR VEEDHI BENGALURU 560 001 ...RESPONDENT (BY SMT. WAHEEDA M.M. HCGP) THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE IN ON

REGULAR BAIL IN CRIME NO.88/2025 (MALUR POLICE STATION, KOLAR DISTRICT) FOR OFFENCES P/U/S 103(1), 109, 118(1), 189(2)

AND 191(3) READ WITH SECTION 190 OF THE BHARATIYA NYAYA SANHITA, 2023, WHICH IS PENDING ON THE FILE OF THE LEARNED PRINCIPAL CIVIL JUDGE (JR.DN) AND JMFC COURT AT MALUR. THIESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE S RACHAIAH -4-

ORAL ORDER

These petitions are filed by accused Nos.9, 11 and 13 respectively seeking for regular bail in Crime No.88/2025, registered by Malur police station, Kolar, for the offences punishable under Sections 103(1), 109, 118(1), 189(2) and 191(3) r/w Section 190 of the Bharatiya Nyaya Sanhita, 2023.

2. These two petitions are taken up together for consideration as the same have been arising out of the same crime number. The factual matrix of the case:

3. It is the case of prosecution that the complainant

stated in his complaint that on 19.03.2025 at about 6.45 p.m., a bore well lorry was moving to his land to dig the bore well. During the said process, the said lorry went on the crops of chilly which was grown in the land of the accused. There was a quarrel between the complainant and the accused in that regard. The process of digging the -5- bore well was stopped. The complainant and others were sleeping in the land, anticipating the quarrel.

4. It is stated that the accused persons around

1.00 a.m., came in three cars in order to commit murder of the complainant and others and one of the car was driven on the persons who were sleeping in their land. Consequently, three persons have sustained injuries and one person died during approaching the hospital for treatment. Therefore, a case came to be registered against them.

5. It is the submission of learned counsel for the

petitioners that, the petitioners are arraigned as accused No.9, 11 and 13 respectively. There is no whisper in the complaint regarding the overt-act of the petitioners. There are omnibus allegations made against the accused. Therefore, they may be granted bail by imposing suitable conditions. Making such submissions, the learned counsel for the petitioners prays to allow the petition. -6-

6. Per-contra, the learned HCGP vehemently

submitted that the petitioners and others have in pursuance of common intention to commit murder of the complainant and others, drove the car on the complainant and others who were sleeping in their land and caused injuries to three persons and killed one of them. Therefore, it is not appropriate to grant bail to the petitioners. Making such submissions, the learned HCGP prays to dismiss the bail petition.

7. Having heard the arguments of learned counsel

for the respective parties and also perused the averments of the complaint, it appears from the record that, there are omnibus allegations made against the petitioners and others. The person who drove the car on the complainant and others has not been mentioned specifically either in the complaint or in any other documents. Therefore, the allegations are appeared to be omnibus in nature. Hence, it is appropriate to grant bail. Accordingly, I proceed to pass the following:- -7-

ORDER

i) The Criminal Petitions are allowed. ii) The petitioners-accused Nos.9, 11 and 13 are ordered to be enlarged on bail in Crime No.88/2025 of the respondent - Police, pending on the file of the Learned Principal Civil Judge (Jr. Division) & JMFC Court at Malur, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with one surety each for the likesum to the satisfaction of the Trial Court, subject to the following conditions: a) The petitioners shall co-operate with the investigation as and when it is required till filing of the charge sheet. b) The petitioners shall appear before the Trial Court on all dates of hearing without

fail. c) The petitioners shall not threaten nor tamper the prosecution witnesses. d) The Registry is directed to communicate this

order to the Trial Court forthwith.

-8- In case, if the petitioners violate any of the bail conditions as stated above, the prosecution will be at liberty to seek for cancellation of bail. Sd/- (S RACHAIAH) JUDGE VS List No.: 1 Sl No.: 55

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