

Nithin vs the State of Karnataka

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Court : Karnataka

Decided On : Jul-01-2025

Judge : S Vishwajith Shetty

Appeal No. : CRL.P/9924/2024

Appellant : Nithin

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2025 BEFORE THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY CRIMINAL PETITION NO. 9924 OF 2024 C/W CRIMINAL PETITION NO. 8210 OF 2024 IN CRL.P No. 9924/2024 BETWEEN: NITHIN, S/O. VIRUPAKSHA, AGED ABOUT 23 YEARS, R/AT. LALADEVANAHALLI VILLAGE, K.R.NAGARA TALUK, MYSURU DISTRICT (PRESENTLY IN J.C.) PETITIONER (BY SRI. NATARAJU T., ADVOCATE) Digitally signed

by KAVYA R

AND:Location: High

THE STATE OF KARNATAKA

Karnataka MYSURU. NOW REPRESENTED BY S.P.P., HIGH COURT BUILDING, BENGALURU - 560 001. RESPONDENT (BY SMT.WAHEEDA.M.M., HCGP) THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN S.C.NO.406/2022 ARISING OUT OF CR.NO.56/2022 OF -2- KUVEMPUNAGAR POLICE MYSURU FOR THE OFFENCE P/U/S 363, 364A, 120B R/W 149 OF IPC WHICH IS PENDING BEFORE THE VII ADDL.SSESSIONS JUDGE MYSURU. IN CRL.P NO. 8210/2024 BETWEEN:

1. SRI SANNU, S/O SHASHI, AGED ABOUT 22 YEARS, PRESENTLY R/AT HALASURU VILLAGE, PANCHAVALLI POST, PERIYAPATNA TALUK, MYSURU DISTRICT - 571 105. PERMANENT, VADASERI VILLAGE, KOTHAMANGALAM POST, ERNAKULAM, DISTRICT. KERALA - 686 691. ...PETITIONER (BY SRI. NAGARAJA K G.,ADVOCATE) AND: STATE BY KUVEMPUNAGARA POLICE, REP BY HCGP, HIGH COURT OF KARNATAKA, BENGALURU - 560 001. ...RESPONDENT (BY SMT.WAHEEDA M.M., HCGP) THIS CRL.P IS FILED U/S.439 CR.P.C PRAYING TO

ENLARGE HIM ON BAIL IN S.C.NO.406/2022 (CR.NO.56/2022 OF KUVEMPUNAGARA POLICE) PENDING ON THE FILE OF THE VII ADDITIONAL DISTRICT AND SESSIONS JUDGE AT MYSURU FOR THE OFFENCE P/US/ -3- 363, 364-A, 120-B R/W SEC.149 OF IPC. THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.1 and 5 in S.C.No.406/2022 pending before the Court of VII Additional District and Sessions Judge, Mysuru, arising out of Crime No.56/2022 registered by Kuvempunagar Police Station, Mysuru District, for offences

punishable under Sections 363, 364A, 120B read with Section 149 of IPC are before this Court in this successive bail application filed under Section 439 of Cr.PC seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.56/2022 was registered by

Kuvempunagar Police Station, Mysuru District, initially for offence punishable under Section 363 of IPC read with Section 34 of IPC against two unknown persons, based on -4- the first information dated 23.06.2022 received from Girish T.D father of minor victim boy - Anujeeth Girish.

4. During the course of investigation, accused No.1

was arrested on 26.06.2022 and accused No.5 was arrested on 25.06.2022. After completing investigation, charge sheet has been filed in the present case against six accused persons and petitioners are arraigned as accused Nos.1 and 5 in the charge sheet. Accused No.5 had earlier approached this Court in Crl.P.No.603/2023 and Crl.P.No.6335/2024 which were dismissed for non prosecution and dismissed as withdrawn respectively. It is under these circumstances, petitioners are before this Court in these two petitions.

5. Learned Counsel for the petitioners submits that

petitioners do not have criminal antecedents and they are in custody for the last more than three years. Trial in the case is not yet completed. Accordingly, he prays to allow this petition. -5-

6. Per contra, learned HCGP has opposed the petition. She submits that efforts are being made to complete the trial expeditiously.

7. FIR in the present case was registered against

two unknown persons. During the course of investigation, six persons were arrested and after completing investigation, charge sheet has been filed against them. In the charge sheet it is alleged that accused Nos.1 to 6 had conspired to

kidnap the minor son of the first informant. On 23.06.2022, the minor son of the first informant was kidnapped in the car by accused Nos.2 to 5. Thereafter, accused N.1 made a phone call to the first informant wife demanding ransom amount of Rs.10.00 lakhs. Accordingly, ransom amount was paid to the accused persons who shared the same between them and subsequently released the minor boy whom they had kidnapped.

8. The victim boy and other material charge sheet

witnesses have been already examined in the present case -6- before the trial Court. Petitioners who have no criminal antecedents are in custody for the last more than three years.

9. This Court taking into consideration that the

petitioners are in custody for a considerable period of time, on 07.02.2025 after referring to the judgment of the Hon'ble Supreme Court in the case of AKIL @ JAVEL V/S STATE (NCT OF DELHI) reported in (2013) 7 SCC 125 had directed trial judge to proceed with the trial on day-to-day basis without granting any adjournment unless sufficient reasons are recorded by the learned trial Court. Though more than four months has lapsed thereafter, the

order sheet of the trial Court would reflect that there is no

sufficient progress in the trial of the case and prosecution has failed to keep the charge sheet witnesses present before the Court.

10. The Hon'ble Supreme Court in the case of JAVED GULAM NABI SHAIKH VS. STATE OF -7- MAHARASHTRA AND ANOTHER - 2024 SCC ONLINE SC 1693 at paragraph No.19, has observed as follows:

"19. If the State or any prosecuting agency including the Court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not

oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

11. Under the circumstances, I am of the view that

without expressing any opinion on the merits and demerits of the case, the prayer made by the petitioners for grant of regular bail needs to be answered affirmatively. Accordingly, the following:-

ORDER

The petitions are allowed. -8- The petitioners are directed to be enlarged on bail in S.C.No.406/2022 pending before the Court of VII Additional District and Sessions Judge, Mysuru, arising out of Crime No.56/2022 registered by Kuvempunagar Police Station, Mysuru District, for offences punishable under Sections 363, 364A, 120B read with Section 149 of IPC, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties for the likesum, to the satisfaction of the jurisdictional Court; b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons; c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses; d) The petitioners shall not involve in similar offences in future; -9- e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off. Sd/- (S VISHWAJITH SHETTY) JUDGE KVR List No.: 1 Sl No.: 25

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