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Vijesh V vs State of Karnataka

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Court : Karnataka Orders

Decided On : Oct-31-2025

Judge : Shivashankar Amarannavar

Appeal No. : CRL.P/12407/2025

Appellant : Vijesh V

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2025 BEFORE THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR CRIMINAL PETITION No. 12407 OF 2025 (439(Cr.PC) / 483(BNSS)) BETWEEN:

1. VIJESH V AGED ABOUT 38 YEARS S/O. VIJAYAN, R/AT: ARACKAL HOUSE KARUVATTA VILLAGE KANUKANAPALAM TALUK ALAPPUZHA DISTRICT, KERALA.

2. ALBIN @ KUNJACHAN AGED ABOUT 24 YEARS S/O. LATE JOHN SHAWARIYAR R/AT: KANDATHANADAM HOUSE AMBIKA MARKET

POST VECHURU VILLAGE, VAIKAM TALUK KOTTAYAM, KERALA. Digitally signed by PETITIONERS LAKSHMINARAYANA MURTHY RAJASHRI Location: HIGH (BY SRI SUNIL KUMAR V, ADVOCATE) COURT OF KARNATAKA AND:

1. STATE OF KARNATAKA

BY MYSURU, RURAL CIRCLE JAYAPURA POLICE STATION, MYSURU REPRESENTED BY HIGH COURT GOVT. PLEADER HIGH COURT OF KARNATAKA, BENGALURU- 560 001. RESPONDENT (BY SMT. PUSHPALAHTA B, ADDL. SPP) -2- THIS CRL.P IS FILED UNDER SECTION 439 (FILED UNDER

SECTION 483 BNSS) Cr.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME No.14/2025 OF JAYAPURA POLICE STATION UNDER SECTIONS 61,126(2),310(2),311,238 OF BNS 2023 WHICH IS PENDING AS S.C.No.164/2025 BEFORE THE IV ADDL. DISTRICT AND SESSIONS JUDGE, MYSURU AND ETC., THIS PETITION COMING ON FOR ORDERS THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

1. This petition is filed by accused Nos. 8 and 9

under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, (hereinafter referred to as `BNSS) praying to grant bail in crime No. 14/2025 of Jayapura Police Station, Mysore Rural Circle registered for offence under Sections 61, 126(2), 310(2), 311, 238 of Bharathiya Nyaya Sanhita, 2023 (hereinafter referred to as `BNS) pending in SC No. 164/2025 on the file of IV Additional District and Sessions Judge, Mysuru.

2. Heard learned counsel for petitioner and learned Additional SPP for respondent - State. -3-

3. Learned counsel for petitioners would contend

that case is registered against unknown persons. There is no recovery from these petitioners. Statement of one Mahesh indicates that he was secured by the Police at 10.00 a.m. for translation to record the first information and first information was filed at 11.00 a.m. It indicates that prior to filing of first information translator was secured. On the Innova car seized only finger print of one accused is found even though there is allegation that 4 accused persons traveled in the said car. No wound

certificate has been produced. Test identification parade has not been conducted. There is delay in production of petitioners to the Court after their arrest. With this, he prayed to allow the petition.

4. Per contra learned Additional SPP would

contend that serious overt acts are alleged against the petitioners. Petitioners have surrounded the car of C.W.1 and made him not to move from the said place. Petitioners have assaulted C.W.1 and dragged him out of the car. -4-

Petitioner No. 2 - accused No. 9, with a wheel spanner, broke left door glass of the car and took a bag containing cash of Rs.1,50,000/- and gave it to accused No. 4. The wound certificate indicates that 4 injuries have been sustained by the injured. There is CCTV footage recovered with regard to the incident. Charge sheet materials show prima facie case for the offences alleged against them. Offence alleged against the petitioners is a heinous offence. If the petitioners are granted bail, there are chances of them threatening the prosecution witnesses and committing similar offences. With this she prayed for dismissal of the petition.

5. Having heard learned counsel for the parties, this Court has perused charge sheet and other materials placed on record.

6. As per charge sheet, case of the prosecution is

that on 20.01.2025 at about 09.15 a.m. when C.W.1 was moving in his car, accused Nos. 1 and 2, with an intent to rob money carried by C.W.1, followed the

car in which -5-

C.W.1 and C.W.2 were moving. C.W.2 was the driver. Accused persons stopped the car of C.W.1 and surrounded the said car. Accused Nos. 3, 4, 6 and 7 have assaulted C.W.2 and dragged him out of the car. Accused No. 6 with a jack rod assaulted the front glass of the car and assaulted C.W.2 with the said rod on the right wrist. Accused No. 1 has sprayed pepper spray to the face of C.W.2. Accused Nos. 8, 9 and 11 assaulted C.W.1 and dragged him out of the car. Accused No. 4 snatched the mobile of C.W.1, accused No. 9 has broken the left door glass of the car with wheel spanner and robbed the bag containing cash of Rs.1,50,000/-.

7. Considering the above aspects, there are

serious overt acts alleged against the petitioners. The petitioners are involved in commission of heinous offence. Charge sheet material show prima facie case against the petitioners for offences alleged against them. The injury certificate of C.W.2 indicate that he has sustained four injuries. Considering all these aspects, petitioners have not

-6- made out grounds for grant of bail. If the petitioners are granted bail, there are chances of they threatening the prosecution witnesses and committing similar offences.

8. In the result petition is dismissed. Sd/- (SHIVASHANKAR AMARANNAVAR) JUDGE LRS List No.: 1 Sl No.: 8 Ct.sm

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