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B K Manju vs State by

B K Manju vs State by

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Court : Karnataka Orders

Decided On : Feb-25-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.A/2144/2024

Appellant : B K Manju

Respondent : State by

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL APPEAL NO. 2144 OF 2024 (U/S 14(A) (2)) C/W CRIMINAL APPEAL NO. 1568 OF 2024 CRIMINAL APPEAL NO. 1879 OF 2024 CRIMINAL APPEAL NO. 2157 OF 2024 IN CRL.A No. 2144/2024 BETWEEN: B.K.MANJU S/O B.R.KRISHNAPPA, AGED ABOUT 49 YEARS, BANDIKODIKODIGEHALLI, JALA HOBLI, YELAHANKA TALUK, BANGALORE PIN CODE-562 149. Digitally signed by APPELLANT LAKSHMI T Location: (BY SRI. RAJU C.N., ADVOCATE) High Court of

Karnataka AND:

1. STATE BY BAGALUR POLICE BANGALORE REPRESENTED BY SPP HIGH COURT OF KARNATAKA AT BANGALORE-560 009.

2. MUNIRAJU B.R.

S/O LATE P. RAMAPPA, AGED ABOUT 47 YEARS, -2- BANDIKODIKODIGEHALLI, JALA HOBLI, YELAHANKA TALUK, BANGALORE-562 149. RESPONDENTS (BY MS. ASMA KOUSER, ADDL. SPP FOR R-1; SRI. M. NARASAPPA, ADVOCATE FOR R-2) THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT PRAYING TO SET ASIDE THE ORDER DATED 12.08.2024, PASSED BY THE 2ND ADDL. DISTRICT AND SESSIONS JUDGE,

BENGALURU RURAL DISTRICT, BENGALURU IN CRL.MISC.NO.1631/2024 AND GRANT ANTICIPATORY BAIL TO THE PETITIONER IN THE EVENT OF HIS ARREST IN CRIME NO.205/2024 OF BAGALUR POLICE, BENGALURU RURAL DISTRICT, BENGALURU FOR THE OFFENCES PUNISHABLE UNDER SECTION 109, 118(1), 118(2), 352, 191(3), 190 OF BHARATIYA NYAYA SANHITA (BNS) AND SEC.3(1)(r)(s) OF SC/ST (POA) ACT AND ENLARGE THE APPELLANT ON BAIL BY ALLOWING THIS PETITION.

IN CRL.A NO. 1568/2024 BETWEEN: SRI. RAVINDRA B.J. S/O JAYARAMAIAH, AGED ABOUT 48 YEARS, RESIDING AT BANDI KODIGEHALLI VILLAGE AND POST, JALA HOBLI, YELAHANKA NORTH, BANGALORE NORTH-560 064. ...APPELLANT (BY SRI. SUBRAMANYA H.V., ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY BAGALUR POLICE STATION, REPRESENTED BY -3- STATE PUBLIC PROSECUTOR, DISTRICT AND SESSIONS JUDGE, BANGALORE RURAL DIST.-01.

2. SRI B.R. MUNIRAJU

S/O LATE P. RAMAPPA, AGED ABOUT 47 YEARS, RESIDING AT NO.150/157, BANDI KODIGEHALLI VILLAGE, JALA HOBLI, YELAHANKA TALUK,

BANGALORE NORTH-560 064. ...RESPONDENTS (BY MS. ASMA KOUSER, ADDL. SPP FOR R-1;) SRI. M. SRIRAM, ADVOCATE FOR R-2) THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT,

2015 PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT IN CRL.MISC.NO.1685/2024 DATED 12.8.2024 THEREBY ALLOW THE SAID APPEAL AND ENLARGE THE APPELLANT ON ANTICIPATORY BAIL IN CRIME NO.205/2024 OF BAGALURU POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 109, 118(1), 351(2), 61(2) R/W 3(5) OF BNS ACT AND SEC.3(1)(r)(s) OF SC/ST ACT WHICH IS PENDING ON THE FILE OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU FOR THE REASONS STATED ABOVE.

IN CRL.A NO. 1879/2024 BETWEEN:

1. SRI. VINODA S/O RANGAPPA, AGED ABOUT 28 YEARS,

2. SRI. SEENA @ SRINIVAS S/O LATE HONNAPPA, AGED ABOUT 35 YEARS, -4-

3. SMT. RENUKA W/O SRINIVASA, AGED ABOUT 28 YEARS,

4. SMT. GOWARAMMA W/O RANGAPPA, AGED ABOUT 50 YEARS, ALL ARE RESIDING AT BANDEKODIGEHALLI VILLAGE, JALA HOBLI, YELAHANKA TALUK, BANGALORE-562 149. ...APPELLANTS (BY SRI. C.N. RAJU, ADVOCATE) AND:

1. THE STATE OF KARNATAKA STATION HOUSE OFFICER BAGALUR POLICE STATION, BAGALUR, BANGALORE NORTH, REP. BY STATE PUBLIC PROSECUTOR, HIGH COURT BUILDINGS, BANGALORE-560 001.

2. SRI. B.R. MUNIRAJU S/O LATE P.RAMAPPA, AGED ABOUT 47 YEARS, R/AT NO.150/157, BANDEKODIGEHALLI VILLAGE, JALA HOBLI, YELAHANKA TALUK, BANGALORE-562 149. ...RESPONDENTS (BY MS. ASMA KOUSER, ADDL. SPP FOR R-1) THIS CRL.A IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT

PRAYING TO SET ASIDE THE ORDER DATED 12.08.2024 PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE AND SPECIAL JUDGE, BANGALORE RURAL, BANGALORE IN CRL.MISC.NO.1746/2024 AND 1774/2024 AND PASS AN -5-

ORDER OF ANTICIPATORY BAIL DIRECTING THE

RESPONDENTS NO.1 BAGALUR POLICE TO RELEASE THE APPELLANTS ON BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO.205/2024 FOR THE ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS SC AND THE ST (PREVENTION OF ATROCITIES) ACT, 1989 U/S- 3(1)(r), 3(1)(s) BNS 2023 (U/S 109, 118(1), 3(5), 351(2), 61(2) PENDING ON THE FILE OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE AND SPECIAL JUDGE, BANGALORE RURAL, BANGALORE.

IN CRL.A NO. 2157/2024 BETWEEN: NAGARAJ S/O LATE MUNIYAPPA, AGED ABOUT 54 YEARS, RESIDING AT BANDIKODIKODIGEHALLI, JALA HOBLI, YELAHANKA TALUK, BANGALORE PIN CODE-562 149. ...APPELLANT (BY SRI. RAJU C.N., ADVOCATE) AND:

1. STATE BY BAGALUR POLICE BENGALORE, REPRESENTED BY SPP, HIGH COURT OF KARNATAKA AT BANGALORE-560 009.

2. MUNIRAJU B.R. S/O LATE P. RAMAPPA, AGED ABOUT 47 YEARS, BANDIKODIKODIGEHALLI, JALA HOBLI, YELAHANKA TAULK, BENGALORE PIN CODE-562 149. ...RESPONDENTS (BY MS. ASMA KOUSER, ADDL. SPP FOR R-1; SRI. M. NARASAPPA, ADVOCATE FOR R-2) -6- THIS CRL.A. IS FILED U/S 14(A)(2) OF SC/ST (POA) ACT,

2015 PRAYING TO SET ASIDE THE ORDER DATED 12.08.2024 PASSED BY THE 2ND ADDITIONAL DISTRICT AND SESSIONS JUDGE AND SPECIAL JUDGE, BANGALORE RURAL DISTRICT, BANGALORE AND GRANT ANTICIPATORY BAIL TO THE PETITIONER IN THE EVENT OF HIS ARREST IN CRIME NO.205/2024 OF BAGLUR POLICE, BANGALORE RURAL DISTRICT, BANGALORE, FOR THE OFFENCES PUNISHABLE UNDER SECTION 109,

118(1), 118(2), 352, 191(3), 190 OF BHARATIYA NYAYA SANHITA (BNS) AND SEC. 3(1)(r)(s) OF SC/ST (POA) ACT AND ENLARGE THE APPELLANS ON BAIL, BY ALLOWING THIS PETITION.

THESE CRIMINAL APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGEMENT, THIS DAY, PRONOUNCED THE FOLLOWING: DATE OF RESERVED THE JUDGMENT : 14.02.2025 DATE OF PRONOUNCEMENT OF THE JUDGMENT : 25.02.2025 CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

CAV JUDGMENT

In these four appeals, the appellants have sought to set aside the order passed by the learned Sessions Judge dismissing their respective applications seeking anticipatory bail and consequently, to grant them anticipatory bail in Crime No.205/2024 of Bagalur Police Station, Bengaluru City, registered for offences punishable -7- under Section 3(1)(r), 3(1)(s) of the SC & ST (POA) Act, 1989 and Section 109, 118(1), 351(2), 61(2) r/w 3(5) of BNS, 2023.

2. FIR is registered against 16 named accused and

others. Charge sheet is filed against 13 accused for offences punishable under Section 109, 118(1), 118(2), 352, 191(3) and 190 of BNS, 2023 and Section 3(1)(r), 3(1)(s) of the SC & ST (POA) Act, 1989.

3. Criminal Appeal No.2144/2024 and Criminal

Appeal No.1568/2024 are preferred by accused Nos.1 and 2 respectively in the FIR. The name of accused No.2 in the FIR is shown as Raja. However, both the said accused are not charge sheeted.

4. Criminal Appeal No.1879/2024 is preferred by accused Nos.4, 7, 12 and 14 in the FIR. They are arraigned as accused Nos.2, 5, 10 and 12 in the charge sheet. -8-

5. Criminal Appeal No.2157/2024 is by accused No.8 in the charge sheet. He is not named as an accused in the FIR.

6. Heard the learned counsel for appellants, learned High Court Government Pleader for the State and learned counsel appearing for the defacto complainant.

7. The law was set into motion by one

B.R.Muniraju S/o late P.Rajappa, alleging that on 16.07.2024 at about 8.00 p.m., on account of previous ill- will, all the accused formed an unlawful assembly, armed with deadly weapons like chopper, long etc., and came near Government Higher Primary School, Bandikodigehalli Village, with an intention to commit the murder of his sisters son Chandan Kumar and assaulted him with the said weapons and caused grievous injuries to him.

8. It is vehemently contended by the learned High

Court Government Pleader and learned counsel appearing for the defacto complainant that the injured Chandan -9- Kumar has sustained several injuries, including injury to the head and multiple fractures, which shows that he has been brutally assaulted by the accused. They contended that the injuries are on the vital parts of the body like head, face etc., and therefore, accused had a clear intention to commit his murder. They contended that the injured is still taking treatment and there is a prima facie case against the appellants, therefore, they are not entitled for anticipatory bail and if they are granted bail, they may threaten the prosecution witnesses and hamper the case of prosecution.

9. The contention of the learned counsel for

appellants is that on account of admitted rivalry due to financial dispute, false case is registered implicating as many as 16 accused in the FIR. It is contended that, while filing charge sheet, names of some of the accused are deleted. It is further contended that relief has been granted to similarly placed accused Nos.3, 6, 7 and 9 (as - 10 - per charge sheet) and therefore, on similar terms and conditions, appellants may be enlarged on bail.

10. The learned Sessions Judge while dismissing

the respective petitions, observed that the investigation is still in progress and if the accused are released on bail, they may abscond. Further observed that there are chances of tampering the prosecution witnesses and fleeing from justice, if the accused are granted bail, in view of the nature and gravity of offences committed.

11. Accused Nos.3, 7 and 9 had preferred Crl.A

No.1550/2024 and accused Nos.6 had preferred Crl.A No.1570/2024. This Court by a common order dated 19.09.2024 allowed both the appeals and enlarged the said accused on bail imposing conditions.

12. In the FIR it is alleged that all the accused have

picked up quarrel with the victim and wielded a chopper on his head and when he tried to evade the said blow, sustained injuries to his hand. Further, they assaulted on - 11 - his head, neck and limbs with chopper and longs. It is further alleged that accused by name B.K.Manju instigated other accused persons and even accused Raja @ Meke Raja assaulted him and the said accused have given supari to commit the murder.

13. Accused Nos.1 and 2 in the FIR are not charge

sheeted. Whereas in the charge sheet, accused Nos.3 and 4 shown in FIR are arraigned as accused Nos.1 and 2. It is alleged in the charge sheet that accused Nos.1 and 2 assaulted the victim (CW.2) with chopper, accused No.5 with a club and accused Nos.3, 4, 6 to 10, 12 and 13 with hands. Further, accused No.11 is alleged to have instigated other accused and abused the victim in filthy language taking reference to his caste. According to prosecution, except accused No.11 all other accused as well as the victim belong to scheduled caste.

14. First informant is an eye witness, as per FIR.

CWs.3 and 4 are the other eye witnesses to the incident. Omnibus allegations are made against the accused - 12 - persons. Accused by name Manju, Raja, Kappaliga and Anithanarayana, whose names are found in the FIR are not charge

sheeted. As per charge sheet, specific overt acts of assaulting the victim with chopper and club are against accused Nos.1, 2 and 5 (Accused Nos.3, 4 and 7 in FIR). Manju B.K. and Raja named as accused Nos.1 and 2 in the FIR are not charge sheeted. Since they are not arraigned as accused in the charge sheet, their prayer for anticipatory bail is misconceived. It is contended by the learned counsel that the Police are issuing notice to them and therefore, there is a threat of arrest. However, since they are not charge sheeted and without any material placed on record regarding apprehension of their arrest, they are not entitled for anticipatory bail.

15. Accused Nos.2 and 5 who are appellant Nos.1 and 2 in Crl.A No.1879/2024 against whom the prosecution alleges that they have assaulted with chopper, are not entitled for anticipatory bail. - 13 -

16. Appellant Nos.3 and 4 in Crl.A No.1879/2024,

namely accused Nos.10 and 12 in the charge sheet and appellant in Crl.A No.2157/2024, namely accused No.8 in the charge sheet can be granted the relief, subject to conditions. Hence, the following:

ORDER

(i) Crl.A No.2144/2024 and Crl.A No.1568/2024 are dismissed.

(ii) Crl.A No.1879/2024 is partly allowed.

(iii) Appeal preferred by appellant Nos.1 and 2 / accused Nos.2 and 5 (as per charge sheet) is dismissed.

(iv) Appeal preferred by appellant Nos.3 and 4 / accused Nos.10 and 12 (as per charge sheet) is allowed.

(v) Crl.A No.2157/2024 preferred by accused No.8 (as per charge sheet) is allowed.

(vi) Appellant Nos.3 and 4/accused Nos.10 and 12

(as per charge sheet) in Crl.A.No.1879/2024 and - 14 - appellant/accused No.8 (as per charge sheet) in Crl.A No.2157/2024 are ordered to be released, in the event of their arrest in Crime No.205/2024 of Bagalur Police Station, Bengaluru City, subject to following conditions: a) They shall appear before the jurisdictional Court, within one week from the date of receipt of copy of the

order and each of them shall execute

a bond in a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties for the likesum. b) They shall furnish proof of their residential address and shall inform the Investigation Officer/Court, if there is any change in the address. c) They shall not leave the jurisdiction of the trial Court without prior permission of the learned session Judge till conclusion of trial or until further orders. - 15 -

d) They shall not tamper with the prosecution witnesses either directly or indirectly. e) They shall appear before the trial Court on all dates of hearing without fail. f) They shall not commit any offence. Violation of any of the above conditions shall result in cancellation of bail. Sd/- (MOHAMMAD NAWAZ) JUDGE HB List No.: 1 Sl No.: 1 Ct:ar

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