

Harsha vs State of Karnataka

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Court : Karnataka Orders

Decided On : May-30-2024

Judge : K.Natarajan

Appeal No. : CRL.P/1671/2024

Appellant : Harsha

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF MAY, 2024 BEFORE THE HON'BLE
MR JUSTICE K.NATARAJAN CRIMINAL PETITION NO. 1671 OF 2024
(439) BETWEEN:

1. HARSHA

S/O KARIYAPPA, AGED ABOUT 30 YEARS, R/AT GUMLAPURAM
VILLAGE, THALLI HOBLI, DENKANIKOTTAI TALUK, KRISHNAGIRI,
TAMILNADU STATE-635118. PETITIONER (BY SRI. SRINIVASA K.,
ADVOCATE) AND:

1. STATE OF KARNATAKA

BY HAROHALLI POLICE STATION, REPRESENTED BY S.P.P., HIGH COURT OF KARNATAKA, Digitally signed by BENGALURU-560001. VEDAVATHI A K
RESPONDENT Location: High Court of (BY SMT. ANITHA GIRISH, HCGP)
Karnataka

THIS CRL.P IS FILED UNDER SECTION 439 CR.PC BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ALLOW THE PETITION AND ENLARGED THE PETITIONER ON BAIL IN EVENT OF HIS ARREST IN CR.NO.387/2020 IN C.C.NO.1914/2022 REGISTERED AT HAROHALLI POLICE STATION, RAMANAGAR DISTRICT, FOR THE OFFENCE PUNISHABLE UNDER SECTION 143, 302, 201 READ WITH 149 OF IPC, PENDING ON THE FILE OF THE HONBLE PRINCIPLE CIVIL JUDGE (JR.DN.) AND JMFC -2-

AT KANAKAPURA ON SUCH TERMS AND CONDITIONS AS DEEMED FIT. THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is by the petitioner seeking grant of bail under Section 439 of Cr.PC, who is said to be the accused No.2 in Crime No.387/2020 in C.C.No.1914/2022 registered by the Harohalli Police Station, Ramanagar District, for the offences punishable under Sections 143, 302, 201 read with Section 149 of IPC.

2. Heard the arguments of learned counsel appearing for the petitioner as well as learned High Court Government for the respondent.

3. It is submitted by the learned counsel for the

petitioner that previously the case was registered against the petitioner/accused No.2 and other accused persons by the Denkanikottai Police Station, Tamil Nadu,

in Crime No.142/2019 and during investigation the petitioner was arrested and he was remanded for judicial custody. -3- Subsequently, he approached the High Court of Judicature at Madras and has obtained the bail in Crl. Original Petition No.32724/2019 on 16.12.2019. Thereafter, on the ground of jurisdiction the case was transferred to the Karnataka Police. Accordingly, Harohalli Police registered the FIR and investigated the matter and filed charge sheet. Subsequently, the Trial Court issued warrant against the petitioner. Hence, petitioner is before this Court.

4. It is the submission of the learned counsel for

the petitioner that petitioner/accused No.2 was already obtained bail by the High Court of Judicature at Madras in Criminal Original Petition No.32724/2019 and he was not aware of transfer of the case, filing of charge sheet by the Harohalli Police, Ramanagara District, Karnataka. After knowing the same, he is before this Court seeking grant of bail as well as cancellation of NBW issued by the learned Magistrate.

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5. In response, learned HCGP appearing for the

respondent objected for grant of bail contending that once bail has been granted in favour of the petitioner, the question of granting bail, is not permissible under Section 439 of Cr.PC. Hence, seeks for dismissal of the petition.

6. Having heard the arguments and perusal of

records it is revealed that initially the petitioner was arrested by Denkanikottai Police Station, Tamil Nadu, and the High Court of Judicature at Madras vide order dated 16.12.2019 granted bail in favour of the petitioner. Subsequently, on the ground of jurisdiction, the same was transferred to Karnataka, whereby Harohalli Police, Ramanagar District registered the case against the petitioner/accused No.2 in Crime No.387/2020 and filed charge sheet.

7. In view of the above, the petitioner is not entitled for bail once again. The bail granted by the High Court of Judicature at Madras will continue to operate -5-

untill disposal of the case. However, charge sheet has been filed by the Karnataka Police. Therefore, once again regular bail and anticipatory bail cannot be granted. In view of similar observation made by the Co-ordinate Bench of this Court in Criminal Petition No.2703/2023, the petitioner is also directed to approach the Committal Court for seeking cancellation of NBW under Section 70(2) of Cr.PC. and to file formal bail petition under Section 437 of Cr.P.C. for grant of bail. If any such application is filed by the petitioner within a period of two weeks from the date of receipt of certified copy of this order, the learned Magistrate shall consider the same in accordance with law.

8. With the above observation, petition is dismissed. Sd/ JUDGE RU, List No.: 1 SI No.: 7

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