

Sunil Kumar @ Car Sunil @ Sunil vs the State of Karnataka

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Court : Karnataka

Decided On : May-29-2024

Judge : M G UMA

Appeal No. : CRL.P/2781/2024

Appellant : Sunil Kumar @ Car Sunil @ Sunil

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2024 BEFORE THE HON'BLE MRS JUSTICE M G UMA CRIMINAL PETITION NO. 2781 OF 2024 BETWEEN: SUNIL KUMAR @ CAR SUNIL @ SUNIL S/O SUNDARA, AGED ABOUT 35 YEARS, R/AT DUNDAMANAKERI, G.M. STREET, MALAVALLI TOWN, MANDYA DISTRICT - 571 430 PETITIONER (BY SRI. ANANDA .V., ADVOCATE) Digitally signed by R MANJUNATHA AND: Location: high THE STATE OF KARNATAKA court of karnataka

MALAVALLI TOWN POLICE STATION, REP BY SPP, HIGH COURT BUILDING, BANGALURU. RESPONDENT (BY SRI. M.R. PATIL, HCGP)

THIS CRL.P IS FILED U/S.438 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.99/2023 OF MALAVALLI TOWN P.S., MANDYA FOR THE OFFENCE P/U/S.143, 307, 324, 114, 506 R/W SEC.149 OF IPC PENDING BEFORE THE HONBLE SEINOR CIVIL JUDGE AND JMFC AT MALAVALLI IN C.C.NO.5/2024. THIS CRL.P, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING: -2-

ORDER

Petitioner is before this Court seeking grant of

anticipatory bail under Section 438 of Cr.PC in Crime No.99/2023 of Malavalli Town Police Station, on the file of the learned Senior Civil Judge and JMFC, Malavalli, pending at C.C.No.5/2024, registered for the offences punishable under Sections 143, 307 324, 114, 506 r/w 149 of the Indian Penal Code, 1860 (IPC), on the basis of the first information lodged by the informant -Manju.

2. Heard Sri Ananda V, learned counsel for the petitioner. Sri. M.R. Patil, learned High Court Government Pleader for respondent - State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is; Whether the petitioner are entitled for grant of bail under Section 438 of Cr.P.C.? My answer to the above point is in Affirmative for the following: -3- REASONS

4. The petitioner is arrayed as accused No. 6. He has

approached this Court for grant of anticipatory bail as there is apprehension of arrest. He stated that accused Nos. 1, 3 and 5 are already granted on bail, whereas accused No.2 granted anticipatory bail. Serious allegations are made against accused No.1 and he is already on bail. Even though, learned High Court Government Pleader submits that the two wheeler which was used at the time of commission of the offence is to be recovered from the petitioner, the charge sheet discloses that both the two wheelers referred to in the charge sheet are already

recovered. It is stated that the petitioner is absconded and NBW is issued by the Trial Court. But however, it is not the contention of the prosecution that the petitioner is required for custodial interrogation. Even, if he is required, he can be taken in to custody by the Investigating Officer with the permission of the learned Magistrate. As of now, I am of the opinion that the

petitioner may be granted anticipatory bail, subject to conditions, which will take care of the apprehension expressed by the learned High Court Government Pleader that the -4- petitioner may abscond or may tamper or threaten the prosecution witnesses.

5. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The petition is allowed. The petitioner is ordered to be enlarged on bail in the event of his/her arrest in Crime No No.41/2024 of R.M.C. Yard Police Station. The petitioner is directed to appear before the Investigating Officer within 15 days from the date of receipt of this order and on his/her appearance, the Investigating Officer shall enlarge him/her on bail subject to the following conditions:- a. The petitioner shall furnish the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the Investigating Officer; b. The petitioner shall not commit similar offences; -5- c. The petitioner shall appear before the Investigating Officer or the court as and when required; and d. The petitioner shall not threaten or tamper the prosecution witnesses. On furnishing the sureties by the petitioner, the Investigating Officer is at liberty to verify the correctness of the address and authenticity of the documents furnished by him. On satisfaction of the said documents, he may proceed to accept the sureties within a reasonable time. Sd/- JUDGE SPV List No.: 1 SI No.: 19