

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****DATED THIS THE 31ST DAY OF MARCH, 2023****BEFORE****THE HON'BLE MR JUSTICE V SRISHANANDA****CRIMINAL PETITION NO. 1894 OF 2023****BETWEEN:**

SRINIVASA
S/O NAGARAJA
AGED 28 YEARS
OCCUPATION BUSINESS
R/AT THYAGARAJANAGARA
CHALLAKERE TOWN
CHTIRADURGA DISTRICT - 577522

...PETITIONER

(BY SRI A M MAHESHWARAPPA, ADVOCATE)

AND:

STATE OF KARNATAKA
BY CHALLAKERE POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU -560001

...RESPONDENT

(BY SRI S.VISHWA MURTHY, 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.451/2022 REGISTERED BY CHALLAKERE POLICE STATION, CHITRADURGA FOR THE OFFENCE P/U/S 436, 114, 427 R/W 34 OF IPC PENDING BEFORE THE PRINCIPAL CIVIL JUDGE AND J.M.F.C., CHALLAKERE, CHITRADURGA.





THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
THE COURT MADE THE FOLLOWING:

ORDER

1. Heard Sri. A.M. Maheshwarappa, learned counsel for the petitioner and Sri S. Vishwa Murthy, learned High Court Government Pleader.

2. Petition is filed under Section 438 Cr.P.C. with the following prayer:

"WHEREFORE, It is prayed that this Hon'ble court be pleased to enlarge the petitioner on bail in Crime No.451/2022, by Challakere Police, for the offence punishable Under Section, 436, 114, 427 R/W/S 34 of IPC, pending before the Principal Civil Judge & JMFC at Challakere, Chitradurga District, and grant such other relief as this Hon'ble Court deems fit in the circumstances of the case, in the interest of justice and equity."

3. The complaint came to be lodged by Ajaykumar J.R. S/o Late Ramanjani with Challakere Police, Chitradurga District, which was registered in Cr.No.451/2022 on 28.12.2022 for the



offences punishable under Section 436, 114, 427 r/w Section 34 of IPC against the petitioner and two others.

4. Gist of the complaint averments reveal that the petitioner has married the elder sister of the complainant and it was a love marriage. In that regard there was a previous enmity. When the complainant was away from Arasikere, he receives a telephone call from his relative that the petitioner has thrown petrol inside his house and lit the fire and the relative of the complainant and others extinguish the same and intimate the same to the complainant.

5. Complainant came to his house from Arasikere next day and noticed that a plastic chair, plastic pies and few books were burnt. Complainant entertain a doubt that the petitioner has done this act with an intention to take away the life of the complainant thinking that the complainant is inside the house and sleeping. Fortunately complainant was far away at Arasikere and he got escaped from the intended mishap and therefore, sought for action against the petitioner.



6. Police after registering the case are investigating the matter. The petitioner approached the District Court with a request of grant of anticipatory bail which was turned down by the Principal District and Sessions Judge, Chitradurga, by order dated 06.02.2023 in C.Mis.No.55/2023. Thereafter, petitioner is before this Court.

7. Re-iterating the grounds urged in the petition, Sri A.M.Maheshwarappa, learned counsel for the petitioner vehemently contended that on account of love marriage of sister of the complainant with the petitioner, there exists a previous enmity and in order to advance the enmity, false case has been filed by the complainant and sought for grant of anticipatory bail.

8. Per contra, learned High Court Government Pleader reiterating the averments made in the objections statement sought for rejection of the bail petition.

9. Perused the material on record meticulously in view of the rival contentions of parties. On such perusal, it is seen that the incident said to have occurred on 25.12.2022 in the



midnight around 12'O' clock. The alleged eyewitness to the incident is the uncle of the complainant having seen the petitioner pouring the petrol inside the house through the window and lit a fire. They came to the house of the complainant and extinguish the fire and intimated the incident to the complainant. Complainant was at Arasikere reached the place of incident next day around 11.00 a.m. It is notice that the information given by his uncle is true and lodged the complaint.

10. From the date of registration of the case, the petitioner is not available to the Investigating Agency. Whether at all the petitioner has committed such an act or not, cannot be decided by this Court by holding a mini trial. As the same may prejudice the case of the parties during the trial one way or the other.

11. Suffice to say that the material available on record clearly shows that the investigation has crippled on account of abscondance of the accused/petitioner. Directing the accused/petitioner to join the investigation and undergo



minimum period of custodial investigation would meet the ends of justice.

Accordingly, following order is passed.

ORDER

1. The criminal petition is ***allowed***.
2. Petitioner is directed to join the investigation by appearing before the Investigation Officer on **10.04.2023** at 10.00 a.m.
3. The Investigating Officer is at liberty to take the petitioner to custody and complete the custodial investigation if any, on the same day before 6.00 p.m.
4. The petitioner shall co-operate with the Investigating Agency in all aspects of the matter including furnishing signature and thumb impression etc., Thereafter, the petitioner be enlarged on bail, by taking a bond in a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum.
5. Petitioner shall attend the Court regularly.
6. Petitioner shall mark his attendance before the Investigating Officer on every alternate Sunday between 10.00 am and 2.00 pm., till the final report is filed.



7. Petitioner shall not directly or indirectly tamper the prosecution evidence or hamper the investigation process in any manner.
8. Petitioner shall not leave the jurisdiction of Chitradurga District without prior permission.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.

**Sd/-
JUDGE**

MR
List No.: 1 SI No.: 86