



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2024

BEFORE

THE HON'BLE MR JUSTICE RAJENDRA BADAMIKAR

CRIMINAL PETITION No. 2334 OF 2024

BETWEEN:

NIKHIL K N @ CHINNU
S/O NARASIMHA MURTHY
AGED ABOUT 19 YEARS
R/AT KARNALA VILLAGE
THUBAGERE HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT
PIN -561 203.

...PETITIONER

(BY SRI MADESH V M, ADVOCATE)

AND:

THE STATE OF KARNATAKA BY
DODDABALLAPURA TOWN POLICE STATION
BENGALURU DISTRICT RURAL
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU PIN – 560 001.

...RESPONDENT

(BY SRI K NAGESHWARAPPA, 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.23/2024 OF DODDABALLAPURA TOWN P.S.,
BENGALURU DISTRICT FOR THE OFFENCE P/U/S.143, 147,
307, 323, 504 R/W SECTION 141 OF IPC PENDING ON THE
FILE OF THE ADDITIONAL CIVIL JUDGE (Jr.Dn.) AND JMFC
COURT DODDABALLAPURA BENGALURU RURAL DISTRICT.



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

ORDER

The petitioner/Accused No.5 has filed this petition under Section 438 of Cr.PC. seeking anticipatory bail in the event of his arrest by Doddaballapura Town Police Station in Crime No.23/2024 registered for the offences punishable under Sections 143, 147, 307, 323 and 504 read with 149 of IPC, pending on the file of the Additional Civil Judge (Jr.Dn.) and JMFC Court, Doddaballapura, Bengaluru Rural District.

2. As per the case of the prosecution, the complainant is working as a driver in TATA ACE vehicle and four years back he married one Noothana Manjunatha Naik, resident of Shivamogga and residing in Rozipura Colony. There were certain misunderstandings between the complainant and his neighbour Srinivas and his family pertaining to the



drainage water flown in front of the house of the complainant since many years and frequent quarrels used to take place between them in that regard. It is alleged that 16.02.2024 in mid night at about 3.00 'O' Clock, the said Srinivasa has taken about 10 ladies including the wife of the complainant and his Aunty by name Smt. Shanthamma in his TATA Ace vehicle to Kateramma Temple situated in Kambalipura at Hosakote Taluk. In that regard, the complainant, called the said Srinivas on phone and abused him and it is alleged that at 11.00 'O' Clock, Srinivasa came and questioned him regarding abusing him over cell phone and at that time, Accused No.1- Nikhil @ Chintu and other accused including the present petitioner quarrelled with the complainant and Accused No.1 has abused him and also assaulted him. It is alleged that Accused No.1 brought a machete and tried to assault the complainant and in the said process, he



caused injuries to the fingers of the complainant. It is also alleged that, at that time, complainant's brother Sri. Subhash and his friend Sri. Meliwin and others have pacified the dispute and the complainant was shifted to Doddaballapura Government Hospital, wherein he was provided treatment and in this regard, a complaint came to be lodged. On the basis of the complaint, FIR came to be issued and apprehending his arrest the petitioner/Accused No.5 has approached the learned Sessions Judge seeking anticipatory bail and his petition came to be rejected, and hence he is before this Court.

3. Heard the arguments advanced by the learned counsel for the petitioner and the learned HCGP for the Respondent-State. Perused the records.

4. The allegations disclose that, there were certain disputes between the complainant and Srinivasa regarding drainage water being flown in



front of the house of the complainant. It is further alleged that, on 16.02.2024 at 11 'O' Clock, the said Srinivas approached the complainant and enquired regarding the complainant abusing him in vulgar language and at that time, the present petitioner along with Accused Nos. 1 to 5 said to have assaulted the complainant and Accused No.1 said to have assaulted him by machete. The preset petitioner is arraigned as Accused No.5. The main allegation of assault by machete was directed only as against Accused No.1 and not against the present petitioner/Accused No.5, and the simple allegation against the present petitioner is that he has abused and assaulted the deceased, but the allegations did not disclose the specific overt-act against him. Considering these facts and circumstances, I do not find any impediment for admitting the petitioner on anticipatory bail. The other apprehensions raised by



the learned HCGP can be meted-out by imposing certain conditions. Hence, the petition needs to be allowed and accordingly, I proceed to pass the following:

ORDER

- I. The petition is **allowed**.
- II. The petitioner/Accused No.5 is directed to be enlarged on bail in the event of his arrest in by Doddaballapura Town Police Station in Crime No.23/2024 registered for the offences punishable under Sections 143, 147, 307, 323 and 504 read with 149 of IPC, pending on the file of the Additional Civil Judge (Jr.Dn.) and JMFC Court, Doddaballapura, Bengaluru Rural District on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety for the like-sum to the satisfaction of the Investigating Officer or the concerned trial Court, subject to the following conditions:
 - (i) Petitioner shall surrender himself before the Investigating Officer within fifteen days from the date of receipt of a certified copy of this order and in the event of his



surrender, Investigating Officer/SHO shall release him on bail as directed.

- (ii) He shall not directly or indirectly tamper with any of the prosecution witnesses.
- (iii) He shall not indulge in any similar offences.
- (iv) He shall make himself available to the Investigating Officer for interrogation whenever called during the course of investigation.
- (v) He shall mark his attendance before the Investigating Officer/SHO between 9.00 a.m. and 5.00 p.m. on 1st and 3rd Saturday of every month, till the final report is submitted.

Sd/-
JUDGE

KGR
List No.: 1 Sl No.: 53