



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 30<sup>TH</sup> DAY OF JANUARY, 2023**

**BEFORE**

**THE HON'BLE MRS JUSTICE M G UMA**

**CRIMINAL PETITION NO. 12157 OF 2022**

**BETWEEN:**

1. SANJEEVA N.,  
S/O NARAYANAIAH,  
AGED ABOUT 32 YEARS,
2. RAGHAVENDRA,  
S/O LATE SRINIVASAIAH,  
AGED ABOUT 33 YEARS,

BOTH ARE R/A BAPOOJI COLONY,  
KUPPE VILLAGE, BILIKERE HOBLI,  
BOLANAHALLI POST,  
HUNSUR TALUK,  
MYSURU DISTRICT 571 105.

...PETITIONERS

(BY SRI. SHIVANANJAPPA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REP. BY HUNSUR TOWN POLICE STATION,  
HUNSUR, MYSURU DISTRICT 571 105.  
REP. BY STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDINGS,  
BANGALORE 560 001.

...RESPONDENT

(BY SRI. K.RAHUL RAI, HCGP)

THIS CRL.P FILED U/S.438 CR.P.C., BY THE ADVOCATE FOR THE PETITIONERS PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.212/2022 REGISTERED BY HUNSUR TOWN POLICE STATION, MYSURU DISTRICT FOR THE OFFENCE





P/U/S 341, 504, 307, 324 R/W 149 OF IPC, PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (SR.DN.) AND J.M.F.C., HUNSUR, MYSURU CITY.

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

**ORDER**

The petitioners-accused Nos.2 and 3 are before this Court seeking grant of anticipatory bail in the event of their arrest in Crime No.212/2022 of Hunsur Town Police Station, registered for the offences punishable under Sections 341, 504, 307 and 324 r/w Section 149 of IPC, on the basis of the first information lodged by the informant-Sri Venkatesh.

2. Heard Sri.Shivananjappa, learned Counsel for the petitioners and Sri.K Rahul Rai, learned High Court Government Pleader for the respondent-State. Perused the materials placed on record.

3. Learned Counsel for the petitioners submitted that the petitioners are arrayed as accused Nos.2 and 3. They are innocent and law abiding citizens and they have not committed any offences as alleged. They have been falsely implicated in the matter without any basis. Their bail application filed before the Sessions Court was rejected. Therefore, they are having



reasonable apprehension of being arrested by respondent - police, therefore, they are before this Court. Specific allegations are made out against accused No.1. These petitioners are not required for custodial interrogation. Accused No.4 to 6 against whom similar allegations are made, are already enlarged on bail by this Court. The petitioners are not having any criminal antecedents. They are the permanent residents of the addresses mentioned in the cause title to the petition and are ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioners for having committed the offences. The names of these petitioners are referred by the informant, who has given the details of specific overt act committed by the petitioners herein. They are absconding since the date of registration of the case. The injured had taken treatment for more than a month in the hospital. Considering the nature and seriousness of the offences, the petitioners are required for custodial interrogation. If the petitioners are



granted anticipatory bail, they may never turn up before the Investigating Officer and they may abscond or commit similar offences, threaten or tamper the prosecution witnesses. Therefore, the petitioners are not entitled for grant of pre-arrest bail. Hence, he prays for dismissal of the petition.

6. 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 petitioners are entitled for grant of anticipatory bail under Section 438 of Cr.P.C.?"*

7. My answer to the above point is in 'Negative' for the following:

### **REASONS**

8. The allegations made against these petitioners are of serious nature. The informant has stated specific overt act committed by each of the accused. It is stated that accused No.1 has assaulted with chopper; while the petitioners i.e., accused No.2 with knife and accused No.3 with iron rod. Admittedly, the injured was taken treatment in the hospital from the date of the incident i.e., 03.11.2022 and discharged from hospital only on 09.12.2022, i.e., after a period of more



than a month. Accused No.1 to 3 are said to be absconding. Even though accused Nos.4 to 6 were granted bail, that was under Section 439 of IPC, as they are apprehended on the date of the incident itself. Therefore, the petitioners cannot seek parity as that of Accused Nos.4 to 6. Looking to the nature and seriousness of the offence and specific overt act committed by these petitioners that they assaulted the injured with knife and iron rod, I am of the opinion that the petitioners are not entitled for pre-arrest bail.

8. Accordingly, I proceed to pass the following:

**ORDER**

The petition is dismissed.

**Sd/-  
JUDGE**

Psg\*