

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.451/2022

BETWEEN:

MR. NAGARAJ,
S/O SHANKARAPPA,
AGED 25 YEARS,
R/AT AMBEDKAR NAGAR,
RAMAMURTHY NAGAR,
BENGALURU 560016.

...PETITIONER

(BY SRI NAUSHAD PASHA, ADVOCATE)

AND:

STATE OF KARNATAKA BY
K.R.PURAM POLICE STATION,
BENGALURU-560036.
REPRESENTED BY S.P.P,
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING,
BANGALORE-560001.

...RESPONDENT

(BY SRI VINAYAKA V.S., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.417/2021 REGISTERED BY K.R.PURAM POLICE STATION, BENGALURU FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 307, 323, 324, 506 READ WITH 34 OF IPC, PENDING ON THE FILE OF X ADDL.C.M.M., MAYO HALL, BENGALURU.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THROUGH VIDEO CONFERENCE THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 438 of Cr.P.C. praying this Court to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.417/2021 registered by the K.R.Puram Police Station, Bengaluru, for the offence punishable under Sections 307, 323, 324, 506 read with 34 of IPC.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State.

3. The factual matrix of the case is that when the complainant's husband was returning, at that time, the petitioner along with other accused persons, inflicted injury on the head of her husband and inflicted injury with steel rod on the hands and legs and when he screamed at the spot, this petitioner again pulled him and assaulted with steel rod and all of them joined together and assaulted him.

4. The learned counsel for the petitioner would submit that this petitioner has been falsely implicated in the case and also the injuries are simple in nature and only with an intention

to keep the petitioner behind the bar, Section 307 of IPC is invoked and no such ingredients are made out.

5. Per contra, the learned High Court Government Pleader appearing for the respondent-State would submit that the victim had sustained injuries and he was taken to NIMHANS Hospital and fresh injuries and contusions were found, but no fracture on the head.

6. Having heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State and looking into the contents of the complaint, the allegation is made that the victim was subjected to assault with machete on the head, but only contusions were found on the head and scalp and there is no fracture. Having taken note of the gravity of the offence and the nature of injuries, which are simple in nature, it is a fit case to exercise the discretion under Section 438 of Cr.P.C.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with Crime No.417/2021 registered by the K.R.Puram Police Station, Bengaluru, for the offence punishable under Sections 307, 323, 324, 506 read with 34 of IPC, subject to the following conditions:

- (i) The petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the concerned Investigating Officer.
- (ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- (iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation and he shall appear before the Investigating Officer, as and when called for.
- (iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior

permission till the charge-sheet is filed or for a period of three months, whichever is earlier.

- (v) The petitioner shall mark his attendance once in a month i.e., on 30th of every month between 10.00 a.m. and 5.00 p.m., before the Investigating Officer for a period of three months or till the charge-sheet is filed, whichever is earlier.

**Sd/-
JUDGE**

MD