

Karnataka High Court
Manjunatha S vs The State Of Karnataka on 11 May, 2023
Bench: T G Bytgsj

- 1 -

CRL.P No. 3725 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 11TH DAY OF MAY, 2023
BEFORE
THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA
CRIMINAL PETITION NO. 3725 OF 2023

BETWEEN:

1. MANJUNATHA. S,
S/O SOMLANAIKA,
AGED ABOUT 28 YEARS,
R/AT DODDALINGENAHALLI VILLAGE,
LINGADAHALLI HOBLI,
TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577 129.
2. ARVINDA.D.P,
S/O PARAMESHNAIKA,
AGED ABOUT 18 YEARS,
R/AT DODDALINGENAHALLI VILLAGE,
LINGADAHALLI HOBLI,
TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577 129.

Digitally signed by
MALA K N
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. K.M. MAHESH KUMAR, ADVOCATE FOR
SRI. V.G. RAJENDRA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY LINGADAHALLI POLICE
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA

- 2 -

CRL.P No. 3725 of 2023

BENGALURU - 560 001.

. . .RESPONDENT

(BY SRI. H.S. SHANKAR, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C PRAYING TO ALLOW THE PETITION AND ENLARGE THE PETITIONERS ON ANTICIPATORY BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO.14/2023 PENDING ON THE FILE OF THE HONBLE ADDITIONAL CIVIL JUDGE AND J.M.F.C. AT TARIKERE FILED BY LINGADAHALLI POLICE FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION 143, 147, 148, 448, 354(B), 355, 504, 323, 324, 341, 506, 307 AND 149 OF THE INDIAN PENAL CODE, CONSEQUENTLY, DIRECT THE RESPONDENT POLICE TO RELEASE THE PETITIONERS IN THE EVENT OF THEIR ARREST IN CRIME NO.14/2023 .

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

The petitioners are before this Court seeking bail under Section 438 of the Code of Criminal Procedure in crime No.14/2023 for the offences punishable under Sections 143, 147, 148, 448, 354(B), 355, 504, 323, 324, 341, 506, 307, 149 of the Indian Penal Code registered in Lingadahalli Police Station.

CRL.P No. 3725 of 2023

2. The petitioners are accused Nos.3 and 4 as per the FIR. Hence, their rank is referred as per their status in the FIR.

3. Heard the arguments of Sri. Rajendra V.G., learned counsel appearing for the petitioners and Sri. H.S. Shankar, learned High Court Government Pleader appearing for the respondent.

4. It is the contention of the learned counsel for the petitioners that there is a case and counter case in respect of construction of a cowshed, wherein, allegation of encroachment of two feet of space is made. The complainant and her side of people have assaulted against the petitioners and their family members resulted in registration of case in crime No.13/2023. As a counter blast, on the next day, this complaint came to be filed. The injured after taking treatment as outpatient at Government hospital, Shivamogga has filed a complaint and the injured is out of danger. The petitioners are ready to assist for the investigation.

5. Learned High Court Government Pleader vehemently opposes the bail application on the ground that CRL.P No. 3725 of 2023 there is a specific overtact against the petitioners and apart from misbehaving with the woman members of the complainant family, petitioner No.2 has inflicted head injury by means of stone on the head of injured complainant Smt. Gayithribai. If the bail is granted, they will repeat the offence and for this reason, learned Principal District and Sessions Judge at Chikkamagaluru in Crl.Misc.No.196/2023 has refused to exercise the discretion in favour of the

petitioners.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material available on record.

7. There is an allegation against accused No.1 that he has encroached two feet space of the complainant and putting up cowshed, resulting a quarrel. Both they have entered into scuffle, assaulted each other and sustained injuries. A specific overtact is made against petitioner No.2 that he has inflicted head injury by means of stone. Material on record also shows that the injured has taken treatment as outpatient in the Government hospital and she is out of danger. Only for the reason of manhandling woman in the quarrel, learned Principal CRL.P No. 3725 of 2023 District and Sessions Judge has declined to exercise discretion in favour of the petitioners. There is no specific overtact against petitioner No.1. The allegations made in the FIR may not attract prima facie offence under Section 307 of the Indian Penal Code. Having regard to facts and circumstances of the case and gravity of the injury and in a scuffle both sides have sustained injury including woman members, it is fit case for exercise of discretion. The petitioners has undertaken to obey any conditions which may be imposed on them by this Court. Hence, the apprehension of the prosecution could be suitably met out by imposing proper conditions. Hence, this petition deserves to be allowed, in the result, following:

ORDER

1. Criminal petition is allowed.

2. The petitioners shall be released on bail in crime No.14/2023 for the offences punishable under Sections 143, 147, 148, 448, 354(B), 355, 504, 323, 324, 341, 506, 307, 149 of the Indian Penal Code, in the event of their arrest on executing a personal bond of Rs.1,00,000/- (Rupees One Lakh only) and a like bond to the satisfaction of the Arresting/Investigating Officer.

CRL.P No. 3725 of 2023

3. The petitioners shall not tamper with the prosecution witnesses.

4. The petitioners shall appear before the Investigating Officer within ten days from the date of receipt of certified copy of this order and assist for the investigation.

Sd/-

JUDGE JY CT: BHK