

(2023) 12 KAR CK 0068
In the Karnataka High Court
Case No : Criminal Petition No. 13769 Of 2023

M. Harsha @ Harshagagan S/O R. Maruthi

APPELLANT

Vs

State Of Karnataka By Sanjaynagar Police Station
Represented By State Public Prosecutor High Court Of
Karnataka Bengaluru - 560001

RESPONDENT

Date of Decision : 26-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 504, 506
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 12 KAR CK 0068

Hon'ble Judges : Venkatesh Naik T, J

Bench : Single Bench

Advocate : Mahesh Kumar K. M, N. Anitha Girish

Final Decision : Allowed

Judgement

Venkatesh Naik T, J

1. Accused No.2 in Crime No.267 of 2023 registered by Sanjay Nagar Police Station, Bengaluru City, for the offences punishable under Sections 307, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, is before this Court under Section 439 of the Code of Criminal Procedure, 1973.

2. Heard the learned Counsel for the parties.

3. On the complaint dated 18-10-2023 lodged by Chethan Kumar, F.I.R. in Crime No.267 of 2023 was registered by Sanjay Nagar Police against two unknown persons. During the course of investigation, the petitioner was arrested on 22-10-2023 and in the remand application, he is arraigned as accused No.2. His bail application filed before the Court of LIX Additional City Civil and Sessions Judge, Bengaluru, in Criminal Miscellaneous No.11261 of 2023 was rejected on 28-11-2023. Therefore, he is before this Court.

4. Learned Counsel for the petitioner having reiterated the grounds urged in the

petition has prayed to allow the petition.

5. Per Contra, the learned High Court Government Pleader has opposed the petition.

6. From a reading of the material made available to the Court, it is seen that the incident in question had taken place in a pub on the night of 17-10-2023. The accused persons and the complainant who was along with his friends had quarreled in the said pub since the complainant and his friends allegedly teased accused No.4 - Kumari Rashmi, who was present along with accused Nos.1 to 3 in the pub. Undisputedly, in the incident in question, the complainant has suffered only simple injuries. The petitioner is in custody from 22-10-2023. Major portion of the investigation is completed. The petitioner, undisputedly, has no criminal antecedents. Accused Nos.1 and 3 are also said to have been arrested in the present case. Further, accused No.3 has been granted bail by this Court in Criminal Petition No.12376 of 2023 dated 11-12-2023. Even on the ground of parity, the petitioner is entitled for grant of bail. Under the circumstances, I am of the view that the petitioner has made out a case for grant of regular bail. Accordingly, the following order:

ORDER

The petition is Allowed.

The petitioner is directed to be enlarged on bail in Crime No.267 of 2023 registered by Sanjay Nagar Police Station, Bengaluru City, for the offences punishable under Sections 307, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, subject to the following conditions:

1. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum to the satisfaction of the jurisdictional Court;
2. The petitioner shall appear regularly on all the dates of hearing before the trial Court;
3. The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
4. The petitioner shall not involve in similar offences;
5. The petitioner shall not leave the jurisdiction of the trial Court without permission of the said Court until the case registered against him is disposed off.