

(2023) 12 KAR CK 0022
In the Karnataka High Court
Case No : Criminal Petition No. 12376 Of 2023

Nandhish @ Nandhish Biradar @ Cycle Manja S/Olate
Subhash

APPELLANT

Vs

State Of Karnataka By Sho Sanjayanagar P.S. Bengaluru Rept
By The State Public Prosecutor, High Court Building,
Bangalore - 560001

RESPONDENT

Date of Decision : 11-12-2023

Acts Referred:

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

Citation : (2023) 12 KAR CK 0022

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Harish Kumar M.T, Jairam Siddi

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused no.3 in Crime No.267/2023 registered by Sanjay Nagar Police Station, Bengaluru City, for the offences punishable under Sections 307, 504, 506, 34 IPC, is before this Court under Section 439 Cr.PC.

2. Heard the learned Counsel for the parties.

3. On the complaint dated 18.10.2023 lodged by Chethan Kumar S/o Ramesh, FIR in Crime No.267/2023 was registered by Sanjay Nagar police against two unknown persons. During the course of investigation, petitioner was arrested on 22.10.2023 and in the remand application, he is arrayed as accused no.3. His bail application filed before the Court of LIX Addl. City Civil & Sessions Judge, Bengaluru, in CrI. Misc. No.10527/2023 was rejected on 16.11.2023. 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, learned HCGP 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 - Kum. 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. Petitioner is in custody from 22.10.2023 onwards. Major portion of the investigation is complete. Accused nos.1 & 2 are also said to have been arrested in the present case. Petitioner, undisputedly, has no criminal antecedents. 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:

7. The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.267/2023 registered by Sanjay Nagar Police Station, Bengaluru City, for the offences punishable under Sections 307, 504, 506, 34 IPC, subject to the following conditions:

- a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) 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.