

**IN THE HIGH COURT OF KARNATAKA  
AT DHARWAD BENCH**

**DATED THIS THE 29<sup>TH</sup> DAY OF APRIL, 2016**

**BEFORE**

**THE HON'BLE MR.JUSTICE B.SREENIVASE GOWDA**

**CRIMINAL PETITION NO. 100436/2016**

**BETWEEN:**

C. Mallikarjuna  
S/o. C.Ningappa  
Age 64 yrs.,  
Occ: Retd. Private employee  
R/o. 12<sup>th</sup> ward, Galamma temple,  
Chitawadagi Tq., Hospete  
Dist. Ballari.

...PETITIONER

(BY SRI. DAYANAND M. BANDI, ADVOCATE)

**AND:**

State of Karnataka,  
By Hagari Bommanahalli Police Station,  
Tq. Hagari Bommanahalli,  
Dist. Ballari,  
Rep. by State Public Prosecutor,  
High Court of Karnataka,  
Dharwad Bench  
Dharwad.

...RESPONDENT  
(BY SRI. PRAVEEN K.UPPAR, H.C.G.P.)

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THIS CRIMINAL PETITION IS FILED UNDER SEC. 438 OF CR.P.C. PRAYING TO CALL FOR CONCERNED POLICE RECORDS, SET ASIDE THE ORDER DT. 29-03-2016 PASSED BY THE COURT OF III ADDL. DIST. AND SESSIONS JUDGE, BALLARI (SITTING AT HOSPETE) IN CRL.MISC. 5076/2016 AND ALLOW THIS CRL.P. FILED UNDER 438 OF CR.P.C. AND TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN CONNECTION WITH CRIME NO. 36/2016 LODGED BY HAGARIBOMMANAHALLI POLICE STATION U/S/ 143, 147, 148, 323, 307, 504, 506 R/W. 149 OF IPC AND DIRECT THE CONCERNED POLICE AUTHORITIES TO RELEASE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST.

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

**ORDER**

Learned Counsel for the petitioner has filed a memo, stating that, subsequent to filing of this petition the respondent – Police have filed charge sheet and that this petition filed

under Sec. 438 of Cr.P.C. seeking anticipatory bail has become infructuous and, it may be dismissed accordingly by granting liberty to the petitioner to voluntarily surrender before the concerned Court and apply for regular bail. In such an event, the concerned Court may be directed to consider his bail application on the same day, since other accused have already been released on bail.

2. Memo is taken on record.

3. Hence, the following order :

The petition is dismissed as the same has become infructuous.

Petitioner is granted liberty to voluntarily surrender himself before the concerned Court and apply for regular bail by serving copy of the bail application on the concerned Prosecutor, well in advance, so as to enable him to file objection to the bail application on the day when bail application is listed for consideration before the Court and in such an event, the concerned Court shall consider and dispose

of the bail application, as expeditiously as possible, in the facts and circumstances, preferably on the same day, in view of the fact that other accused have already been released on bail.

Sd/-  
**JUDGE**

Mgn/-