

IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH
(Sitting at Principal Bench, Bengaluru)

DATED THIS THE 29TH DAY OF DECEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE ANIL B KATTI

CRIMINAL PETITION No.201548/2022

BETWEEN:

1. NISHANT
S/O NAGANNA SANGOLLI
AGE: 38 YEARS, OCC: BUSINESS
R/O: BANK COLONY NEAR STADIUM
KALABURAGI-585 102
2. UMESH S/O REVANASIDDAPPA SANGOLI
AGE: 30 YEARS, OCC: BUSINESS
R/O: BASAVESHWAR COLONY
NEAR SHIVAMANDIR
KALABURAGI-585 104.

...PETITIONERS

(BY SRI K.M. GHATE, ADVOCATE -VC)

AND:

THE STATE OF KARNATAKA
THROUGH POLICE INSPECTOR
UNIVERSITY POLICE STATION
KALABURAGI, THROUGH ADDITIONAL S.P.P.,
HIGH COURT OF KARNATAKA
KALABURAGI BENCH-585 107.

...RESPONDENT

(BY SRI VEERANAGOUDA MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF ARREST IN CRIME NO.269/2022 OF UNIVERSITY POLICE STATION, KALABURAGI CITY, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 504, 307, 323 READ WITH SECTION 34 OF IPC PENDING BEFORE I ADDITIONAL DISTRICT AND SESSIONS COURT, KALABURAGI.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY THE COURT MADE THE FOLLOWING:

ORDER

The petitioners are seeking anticipatory bail in connection with crime No.269/2022 of University Police Station, Kalaburagi, for the offences punishable under Section 323, 504, 307, read with Section 34 of IPC.

2. The factual matrix leading to the case of prosecution can be stated in nutshell to the effect that on 18.11.2022, at about 8.30 p.m., in front of the house of complainant, the petitioners have picked-up quarrel with complainant since he questioned the 1st petitioner as he has not properly done servicing work

of his motorcycle bearing No.KA 32 ER 4994 and abused in filthy language. The 1st petitioner by means of iron rod has assaulted over the head and neck of the complainant causing bleeding injury, the 2nd petitioner has kicked on the stomach of complainant. On hearing hue and cry, the neighbours and friends of the complainant came to the spot. On seeing them, the petitioners fled away from the place.

3. The petitioners have contended that they have been falsely implicated in this case and they have not caused any injuries to the complainant as alleged in the complaint. The learned HCGP has orally objected for grant of anticipatory bail and contended that investigation is not completed, so also the petitioners may abscond from the process of law.

4. Heard the arguments of both sides.

5. The complaint allegations would reveal that the alleged incident in question took place on account of complainant questioning the 1st petitioner for having not done proper servicing of his motorcycle bearing No.KA 32 ER 4994. The complainant claim to have sustained bleeding injury over his head and internal injury on the neck, due to assault by 1st petitioner with iron rod. The 2nd petitioner is alleged to have kicked on the stomach of the complainant. This Court by order dated 15.12.2022 has directed HCGP to secure the wound certificate of injured complainant. However, the wound certificate of the complainant is not produced. The learned counsel for the petitioner has produced the copy of wound certificate issued by New Dhanvantri hospital where, admittedly, injured complainant has taken treatment. On perusal of the same, it would go to show that the complainant has sustained mild head injury which is opined to be

simple in nature. This fact is not in serious dispute and therefore, it is evident that there is no danger to the life of the complainant. The apprehension of the prosecution can be met by imposing appropriate conditions. Consequently, I proceed to pass the following:

Order

The criminal petition is hereby allowed with the following conditions;

i) The petitioners are ordered to be released on bail in the event of their arrest in Crime No.269/2022 of University Police Station, Kalaburagi, on their executing personal bond and surety bond for a sum of Rs.50,000/- each with one surety for likesum amount.

ii) The petitioners shall not tamper with the prosecution witnesses in any manner.

iii) The petitioners shall co-operate with the Investigating Officer for the purpose of investigation.

iv) The petitioners shall not leave the jurisdiction without prior permission.

v) The petitioners shall give their attendance before the Investigating Officer on every 15th and last day of the month till further orders or the charge sheet is filed, whichever is earlier.

**Sd/-
JUDGE**

mv