
Vinay Nayak Vs State Of Karnataka

Criminal Petition No. 6462 Of 2023

Court: Karnataka High Court At Bengaluru

Date of Decision: Sept. 7, 2023

Acts Referred:

Indian Penal Code, 1860 – Section 34, 307, 323, 341, 504, 506

Citation: (2023) 09 KAR CK 0020

Hon'ble Judges: S Vishwajith Shetty, J

Bench: Single Bench

Advocate: Srinivasa M. G., N. Anitha Girish

Final Decision: Allowed

Judgement

S Vishwajith Shetty, J

1. Accused No.1 in crime No.413/2022, registered by Kamakshipalya Police, Bengaluru City for the offences punishable under Sections 341, 323, 307,

504 r/w. 34 of the IPC is before this Court seeking regular bail.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent - State.

3. On a complaint of Ravikumar dated 25.10.2022, FIR in Crime No.413/2022, came to be registered by Kamakshipalya Police for the aforesaid

offences against the petitioner and others. In the complaint, it is averred that on 24.10.2022, the complainant had gone near the Banyan tree at

Kaveripura at about 4.30 p.m. Accused No.1 along with other accused came to the said spot and started abusing the complainant. Accused No.1

allegedly assaulted the complainant thrice with Machete on his head and left the place. Immediately, the complainant was taken to the hospital by his

friends and on the basis of his statement recorded in the hospital, FIR in crime No.413/2022, was registered by Kamakshipalya Police. During the

course of investigation, the petitioner was arrested on 26.10.2022.

4. Investigation in the case is complete and the charge sheet is filed. The petitioner filed a bail application before the LV Additional City Civil and

Sessions Judge, at Bengaluru, in CrI.Misc.No.1291/2023 and the same was dismissed on 16.02.2023. Therefore, the petitioner is before this Court.

5. Learned counsel for the petitioner submits that the injuries suffered by the complainant are simple in nature. Investigation is complete and charge

sheet has been filed.

6. Per contra, learned High Court Government Pleader opposes the bail application.

7. As per the complaint averments, the petitioner had assaulted the complainant on his head with a Machete and had caused injuries. The complainant

was admitted to the hospital and the wound certificate issued by the hospital where the complainant was treated, would go to show that the injuries are

simple in nature. Material on record would go to show that initially the complainant was admitted in the hospital with a history of road traffic accident

and subsequently, there is a alteration made and it is indicated that he has been admitted to the hospital with a history of assault. Investigation in the

case is complete and the charge sheet has been filed. The weapon "Machete used for committing the offence has been seized. The petitioner is in

custody since 26.10.2022.

8. Under the circumstances, I am of the view that the petitioner has made out a prima facie case for grant of regular bail. Accordingly, the petition is

allowed. The petitioner is directed to be enlarged on bail in Crime No.413/2022, registered by the Kamakshipalya Police, pending on the file of the LV

Additional Civil Judge and Sessions Judge, Bengaluru, for the offences punishable under Sections 341, 323, 307, 504, 506 r/w. 34 of the IPC, subject to

the following conditions:

a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (one lakh only) 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.