
(2023) 11 KAR CK 0022

Karnataka High Court At Bengaluru

Case No: Criminal Petition No. 10952 Of 2023

N.V. Gopala Reddy

APPELLANT

Vs

State Of Karnataka, By
Srinivasapura Police
Station, Kolar Dist.,
Represented By State
Public Prosecutor, High
Court Building,
Bangalore - 1

RESPONDENT

Date of Decision: Nov. 10, 2023

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 323, 324, 326, 341, 354B, 504, 506
- Code Of Criminal Procedure, 1973 - Section 438

Citation: (2023) 11 KAR CK 0022

Hon'ble Judges: S Vishwajith Shetty, J

Bench: Single Bench

Advocate: Subramanya H.V, Rahul Rai K

Final Decision: Allowed

Judgement

S Vishwajith Shetty, J

1. Accused No.1 in Crime No.160/2023, registered by Srinivasapura Police Station, Kolar District, for the offences punishable under Sections 341,

323, 354-B, 504, 506 read with Section 34 of IPC is before this Court under Section 438 of Cr.P.C., seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. On the basis of the complaint lodged by Smt. Prabhavathi, wife of Ramesh on 07.06.2023, FIR in Cr.No.160/2023 was registered by Srinivasapura

police station for the offences punishable under Sections 341, 323, 354-B, 504, 506 read with Section 34 of IPC against the petitioner and two others.

In the complaint, it is averred that on 07.06.2023 at about 11.30 am, when the complainant and her family members were plucking mangoes in front of

their house, the accused persons came to the spot and allegedly, abused and assaulted the complainant and her family members. In the said incident,

the complainant allegedly had sustained injuries and therefore, she was taken to Government Hospital and her statement was recorded in the hospital,

based on which, FIR in Cr.No.160/2023 was registered. Apprehending arrest in the said case, the petitioner had filed CrI.Mis. No.838/2023 before the

Court of I Addl. District and Sessions Judge, Kolar, which was rejected on 07.10.2023. Therefore, the petitioner is before this Court.

4. Learned counsel for the petitioner submits that in respect of the incident that had taken place on 07.06.2023, there is a case and counter case. On

the basis of the complaint made by the petitioner herein, FIR has been registered in Cr.No.159/2023 against the complainant's husband and another for

the offences punishable under Sections 323, 324, 326, 504 and 506 read with Section 34 of IPC.

5. Per contra, the learned HCGP has opposed the bail application and has prayed to dismiss the petition.

6. In the alleged incident which resulted in registering FIR in Cr.No.160/2023, the complainant has not suffered any grievous injury and it appears that

there is dispute between the two parties. There is a case and counter case in respect of the incident that allegedly had taken place on 07.06.2023.

Under these circumstances, I am of the view that the petitioner has made out a prima facie case for grant of anticipatory bail.

Accordingly, the following:

ORDER

The Criminal Petition is allowed.

The petitioner shall be released in the event of his arrest in Crime No.160/2023 registered by Srinivasapura Police Station, Kolar District, for the

offence punishable under Sections 341, 323, 354-B, 504, 506 read with Section 34 of IPC, subject to the following conditions:

1) Petitioner shall appear before the Investigation Officer within a period of one week from the date of receipt of a copy of the order and shall

execute a personal bond in a sum of Rs.50,000/- [Rupees fifty thousand only] with a likesum surety.

(2) He shall cooperate with the investigation and shall not tamper with the prosecution witnesses in any manner.

(3) He shall furnish his residential address/contact number and shall inform the Investigating Officer/Court regarding change in the address/contact

number, if any.

(4) He shall be regular in attending the Court proceedings.