

## **Harish Kumar @ Harish Vs State Of Karnataka By Hsr Layout Police Station, Bengaluru District - 560001 Represented By SPP, High Court Complex, Bengaluru - 560001**

**Court:** Karnataka High Court At Bengaluru

**Date of Decision:** Nov. 24, 2023

**Acts Referred:** Indian Penal Code, 1860 " Section 397, 506  
Code Of Criminal Procedure, 1973 " Section 439

**Hon'ble Judges:** S Vishwajith Shetty, J

**Bench:** Single Bench

**Advocate:** Abishek .N.N, Rangaswamy .R

**Final Decision:** Allowed

### **Judgement**

S Vishwajith Shetty, J

1. Accused No.2 in Crime No.372/2023 registered by HSR Layout Police Station, Bengaluru City, for the offences punishable under Sections 397 and

506 IPC, is before this Court under Section 439 of Cr.PC.

2. Heard the learned Counsel for the parties.

3. On the basis of the complaint dated 21.08.2023 lodged by Sangeetha, FIR in Crime No.372/2023 was registered by HSR Layout police against

unknown persons. In the complaint, it is averred that when the complainant was in her house on 21.08.2023, at about 12 in the noon, a person came to

her house and threw chilly powder on her and threatened her with a knife which he was holding. The complainant allegedly handed over her ear ring,

finger ring to the said person. Thereafter, the said person criminally intimidated the complainant and caused injury to her with the knife which he was

holding and left the place. It is in this background, the complainant had approached the police and lodged the complaint which resulted in registering

FIR in Crime No.372/2023.

4. During the course of investigation, the petitioner was arrested on 28.08.2023. His bail application filed before the Court of LVI Addl.City Civil and

Sessions Judge, Bengaluru City, in CrI.Misc.No.8698/2023 was dismissed on 14.09.2023. Therefore, he is before this Court.

5. Learned counsel for the petitioner submits that similarly situated accused No.4 has been enlarged on bail by this court in CrI.P.No.9595/2023.

Accused No.1 has been enlarged on bail by this court in CrI.P.No.9348/2023. Accordingly, he prays to allow the petition.

6. Per contra, learned HCGP has opposed the petition. However, does not dispute the submission made by the learned counsel for the petitioner.

7. The only allegation against the petitioner is that he had received the robbed articles from accused No.1, who is habitual offender. Similarly placed

accused No.4 has been enlarged on bail by this court in CrI.P.No.9595/2023. Accused No.1 has been granted regular bail in CrI.P.No.9348/2023.

8. Under these circumstances, I am of the view that the bail application filed by the petitioner is also required to be allowed on the ground of parity.

Accordingly, I pass the following:

The petition is allowed. The petitioner is directed to be enlarged on bail in Crime No.372/2023 registered by HSR Layout Police Station, Bengaluru

City, for the offences punishable under Sections 397 and 506 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 witness;

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.