

Imran H Vs State Of Karnataka

Court: Karnataka High Court At Bengaluru

Date of Decision: Jan. 31, 2025

Acts Referred: Bharatiya Nagarik Suraksha Sanhita, 2023 â€” Section 482
Bharatiya Nyaya Sanhita, 2023 â€” Section 69, 318(2)

Hon'ble Judges: Mohammad Nawaz, J

Bench: Single Bench

Advocate: Tajuddin, Harish Ganapathy, Sameer S.N

Final Decision: Disposed Of

Judgement

Mohammad Nawaz, J

CAV ORDER

1. In this petition preferred under Section 482 of BNSS, 2023, petitioner/accused in Crime No.3/2025 of Santhebennur Police Station has sought to

release him on anticipatory bail.

2. Above case is registered against the petitioner for the offence punishable under Section 69, 318(2) of BNS, 2023, on a complaint lodged by Rabiya

Basri.

3. Complaint averments in brief are that, the complainant and the accused were working as teachers in one Wisdom School, Hosur Village, hence,

they got acquainted with each other. It is alleged, the accused with a promise of marriage, committed sexual intercourse with the complainant and

later cheated her etc.

4. Petitioner has directly approached this Court seeking anticipatory bail. He has not availed the remedy before the Sessions Court.

5. The learned counsel for petitioner has contended that both Sessions Court and High Court are having concurrent jurisdiction to entertain an

application seeking bail and therefore, the petitioner has approached this Court directly. He would contend that the petitioner was kidnapped by the

henchman of the complainant and detained from 04.12.2024 to 09.04.2024. A missing complaint was filed by his father on 05.12.2024, registered as

Crime No.232/2024 at Santhebennur Police Station, Davanagere. He contended that the entire allegations made against the petitioner are false and

created and there is a threat to the petitioner.

6. Learned counsel has relied on a judgment of the Bombay High Court in Mohanlal Nandram Choudhari v. State of Maharashtra reported in

2007 CRL.L.J.4656 and a judgment rendered by this Court in Crl.P.No.3213/2013 disposed on 11.06.2013.

7. Though Sessions Court and High Court have concurrent jurisdiction in entertaining and deciding a petition for bail, it is prudent for the petitioner to

approach the Sessions Court at the first instance, unless there are exceptional circumstances to file such application directly before the High Court,

bypassing the Sessions Court. In the above decision rendered by the Bombay High Court, the said position has been reiterated. No exceptional

reasons are made out so as to entertain the instant petition. If an adverse order is passed by the Sessions Court, it is always open for the petitioner to

file a petition before this Court for the same relief. If the instant petition seeking anticipatory bail is entertained without there being any exceptional

grounds made out, it will set a precedent and in every case, this Court has to deal with such petitions.

8. In the second decision relied on by the learned counsel for petitioner, it is a case wherein no FIR was registered, hence the petition seeking

anticipatory bail was rejected by the Sessions Court on the ground that no blanket order can be passed. This Court granted anticipatory bail

considering the threat of arrest faced by the accused therein. In the said case, the accused had approached the Sessions Court in the first instance.

The said decision is not applicable to the case on hand.

9. For the foregoing reasons, petition is disposed of reserving liberty to the petitioner to seek remedy before the Sessions Court.