NC: 2023:KHC:32105
CRL.P No. 7109 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 7109 OF 2023

BETWEEN:

SHARATH
S/O NARAYANAPPA
AGED ABOUT 29 YEARS
CURRENTLY RAT NO. 119
5TH CROSS, RANGA MARUTHI
LAYOUT, SEGEHALLI GATE,
BANGALORE - 560 091
PERMANENT ADDRESS
BELAGUNDA VILLAGE KASABA
HOBLI, MAGADI TALUK
RAMANAGARA DISTRICT - 562 159.

...PETITIONER

(BY SRI SUNDHANVA, ADV., FOR
SRI GANESHA K, ADV.)

Digitally signed by NANDINI M S
Location: High Court of Karnataka

AND:

THE STATE OF KARNATAKA
BY MAGADI POLICE STATION
REPRESENTED BY H.G.C.P
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. N. ANITHA GIRISH, HCGP)

THIS CRL.P FILED U/S 439 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.161/2023 OF MAGADI P.S., RAMANAGARA DISTRICT FOR THE OFFENCE P/U/S 364A OF IPC ON THE FILE OF THE PRL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT MAGADI RAMANAGARA DISTRICT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Accused No.3 in Crime No.161/2023 registered by Magadi Police Station, Ramanagara district for the offence punishable under Section 364A R/w 34 of IPC is before this Court seeking regular bail.

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

3. On the basis of complaint lodged by Sri Byrappa S/o Late Siddaiah dated 13.07.2023, FIR in Crime No.161/2023 was registered by Magadi Police against five unknown persons. In the complaint, it is averred that, on 04.07.2023 at about 2.30 p.m, when the complainant had stopped his wife for the purpose of passing urine near Magadi-Gudemaranahalli road, Belagumba village, five persons came in vehicle and they forcibly took him along with them on the ground that he was summoned by Kumbalagodu Police Station for enquiry. It is alleged that thereafter the said persons abused and assaulted the complainant and demanded payment of money. Thereafter, the complainant arranged money and totally he paid Rs.1,90,000/- to the accused persons and thereafter they left

the spot. In this background, the complainant had lodged a complaint which had resulted in registering FIR in Crime No.161/2023. The petitioner and other accused persons were arrested on the very same day of incident. The bail application under Section 439 of Cr.P.C, filed by the petitioner before the court of III Addl. District & Sessions Judge, Ramanagara in Crl.Misc.No.607/2023 was dismissed on 31.07.2023. It is under these circumstances, the petitioner is before this court.

4. Learned counsel appearing for the petitioner reiterated the grounds urged in the petition and prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader for respondent - State has opposed the bail application.

6. The material on record would go to show that in respect of the incident that had taken place on 04.07.2023, the complainant had lodged a complaint on 13.07.2023 i.e., after a delay of nearly 9 days from the date of incident. No proper explanation has been offered by the complainant for the inordinate delay in lodging the complaint. The complaint is lodged against five unknown persons and the petitioner and 3

other accused were arrested by the police on the very same day of incident. The petitioner has no criminal antecedents. The learned HCGP submits that accused persons had forcibly taken the complainant since he was due to pay them some money. Under these circumstances, I am of the considered view that the petitioner's prayer for grant of regular bail is required to be considered favourably.

In view of the above, the petition is ***allowed***. The petitioner is directed to be enlarged on bail in Crime No.161/2023 registered by Magadi Police Station, Ramanagara district for the offence punishable under Section 364A R/w 34 of IPC, subject to the following conditions:

a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakhs only) with one surety 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 leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
JUDGE

NMS