



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 28TH DAY OF AUGUST, 2023
BEFORE
THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 7319 OF 2023**

BETWEEN:

MUJEEB PASHA
S/O ABZAL,
AGED ABOUT 43 YEARS
R/AT 1ST CROSS, TIPPUNAGARA
CHIKKAMAGALURU - 577 101.

...PETITIONER

(BY SRI SYED MUZAKKIR AHMED, ADV.)

AND:

STATE OF KARNATAKA BY
CHIKKAMAGALURU TOWN POLICE
CHIKKAMAGALURU DISTRICT - 577 101.

(REPRESENTED BY THE LEARNED
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA.
BANGALORE - 560 001).

...RESPONDENT

(BY SMT. N. ANITHA GIRISH, HCGP)

THIS CRL.P FILED U/S.438 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.85/2023 REGISTERED BY CHIKKAMAGALURU TOWN POLICE STATION, CHIKKAMAGALURU FOR THE OFFENCE P/U/S 323, 324, 326, 307, 504, 506 R/W 34 OF IPC, WHICH IS PENDING ON THE FILE OF PRINCIPAL CIVIL JUDGE (SR.DN.) AND C.J.M., CHIKKAMAGALURU.

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





ORDER

Accused No.3 in Crime No.85/2023 registered by the Chickmagalur Police Station, Chickmagalur District for the offence punishable under Sections 504, 506, 324, 326, 323 R/w 34 of IPC is before this Court seeking anticipatory bail.

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

3. On the basis of complaint lodged by one Sri Mohammed Mujeeb S/o Late Mohammad Haneef dated 20.05.2023, Chickmagaluru Police had registered FIR in Crime No.85/2023 against one Rihan and two others for the aforesaid offences. The petitioner is arrayed as accused No.3 in the FIR. In the complaint it is averred that, on 19.05.2023 at about 8.15 p.m, the complainant had gone to a canteen for consuming tea at that time, the accused persons came there and started abusing him. Accused No.1 allegedly assaulted the complainant with a iron pipe on his right leg. Accused No.2 assaulted the complainant on his head with a machete. Accused No.3 allegedly assaulted the complainant with his hands on his stomach and back. Immediately certain persons interfered and



therefore the accused persons left the spot. The complainant thereafter went to the hospital and took treatment for injury and his statement was recorded in the hospital which had resulted in registering FIR in Crime No.85/2023. Apprehending arrest in the said case, the petitioner had filed bail application in CrI.Misc.No.392/2023 before I Addl. Sessions & Special Judge, Chickmagalur, which was dismissed on 08.06.2023. It is under these circumstances, the petitioner is before this Court.

4. Learned counsel for the petitioner reiterated the grounds urged in the petition and submits that the allegation against the petitioner is that the petitioner had only assaulted the complainant with his hands. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader for respondent - State has opposed the bail application and submits that investigation in the case is under progress and therefore prays to dismiss the petition.

6. From perusal of the material on record, it is seen that in the complaint, the allegation of assault on the



complainant with a iron pipe and with a machete is against accused Nos.1 and 2. The allegation as against the petitioner is that he had assaulted the complainant with his hands. The complainant had suffered a injury on head as a result of assault made by accused No.2. The wound certificate of the complainant would go to show that the said injury is simple in nature.

7. The material on record would go to show that there is a case and counter case in respect of the very same incident and FIR in Crime No.86/2023 has been registered on the complaint of the petitioner herein. Under these circumstances, I am of the considered view that the petitioner has made out a prima-face case for grant of anticipatory bail.

Accordingly, the petition is **allowed**. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.85/2023 registered by Chickmagalur Police Station, Chickmagalur District for the offence punishable under Sections 504, 506, 324, 326, 323 R/w 34 of IPC, subject to the following conditions:



a. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the investigating officer.

b. The petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

c. The petitioner shall not tamper with the prosecution witness and he shall cooperate with the police for investigation and appear before them whenever called upon till filing of charge sheet.

**Sd/-
JUDGE**

NMS