NC: 2023:KHC:33113
CRL.P No. 7327 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF SEPTEMBER, 2023

BEFORE

THE HON'BLE MR. JUSTICE S. VISHWAJITH SHETTY

CRIMINAL PETITION NO.7327 OF 2023

BETWEEN:

(SOORYA) @ SURYA @ BOB @ JOCKER
S/O GOPI,
AGED ABOUT 19 YEARS,
R/AT NO.608,
1ST CROSS, 6TH MAIN,
NEAR KADIRENAHALLI PARK,
YARAB NAGAR, BSK 2ND STAGE,
BENGALURU - 560 070.

...PETITIONER

(BY SRI. SYED UMMER, ADVOCATE)

AND:

Digitally signed by CHAYA S A
Location: High Court of Karnataka

STATE BY BANASHANKARI POLICE STATION
REPRESENTED BY
SENIOR PROSECUTOR
HIGH COURT AT
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. SOWMYA R., HCGP)

THIS CRIMINAL PETITION IS FILED U/S. 439 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO GRANT THE REGULAR BAIL TO THE PETITIONER IN CRIME NO. 268/2021 (C.C.NO.8073/2022) OF BANASHAKARI POLICE STATION FOR

THE OFFENCE P/U/S.457, 380 OF IPC ON THE FILE OF THE LEARNED III ADDITIONAL CHIEF METROPOLITAN MAGISTRATE BENGLAURU.

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

ORDER

1. Accused in C.C. No.8073/2022 pending before the Court of III Additional Chief Metropolitan Magistrate at Bengaluru, arising out of Crime No.268/2021 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code by Banashankari Police Station, Bengaluru is before this Court, seeking regular bail.

2. Heard learned counsel for the parties.

3. On the complaint of Smt. Shantamma dated 23.11.2021, FIR in Crime No.268/2021 was registered by the Banashankari Police, Bengaluru against unknown persons for the offences punishable under Sections 454, 457 and 380 of IPC. During the course of investigation in the said case, petitioner was arrested. Investigation in the case was complete and charge-sheet was filed in the said case for the offences under Sections

457 and 380 of Indian Penal Code and case was numbered as C.C. No.8073/2022. In the said case, petitioner was enlarged on bail on 10.12.2021. It appears that, thereafter, petitioner had not appeared before the Trial Court regularly and therefore, non bailable warrant was issued against him and his presence was secured on 08.06.2023 and on the said date, he was remanded to judicial custody. The bail application filed by him before the learned Magistrate under Section 437 of Cr.P.C. was dismissed. Thereafter, he filed Crl. Misc. No.5837/2023 before the Court of LVIII Additional City Civil and Sessions Judge, Bengaluru which was also dismissed on 04.07.2023. Therefore, the petitioner is before this Court.

4. Learned counsel for the petitioner reiterates the grounds urged in the petition and submits that petitioner's wife is pregnant by eight months and therefore, presence of the petitioner beside his wife at this stage is very much necessary. He also submits that petitioner was addicted to alcohol and he was admitted in a rehabilitation centre and therefore, he could not appear before the Trial Court.

5. Learned High Court Government Pleader however has opposed the bail petition.

6. The material on record goes to show that petitioner was earlier enlarged on regular bail. However, it appears that, subsequently, he had not appeared before the Trial Court regularly on the dates of hearing and therefore, the Trial Court has issued non bailable warrant against him. In execution of the said non bailable warrant, petitioner was arrested on 08.06.2023 and remanded to judicial custody. Learned counsel for the petitioner submitted that petitioner was addicted to alcohol and therefore, he was admitted in a rehabilitation centre and in these circumstances, petitioner could not appear before the Trial Court.

7. Petitioner has also produced medical document before this Court to show that petitioner's wife Vanitha is pregnant. The fact remains that the petitioner was earlier granted bail and only for the reason that he had not appeared before the Trial Court regularly, non bailable warrant was issued against him and he was arrested and remanded to judicial custody. For the mistake committed by the petitioner, he has already been

sufficiently punished. In the circumstances, I feel that the petitioner's prayer for grant of regular bail is required to be answered affirmatively. Accordingly, I pass the following:

O R D E R

The petition is ***allowed.***

The petitioner is directed to be released on bail in Crime No.268/2021 registered for the offences punishable under Sections 457 and 380 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 Trial 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 involve in similar offenses 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 of.

SD/-
JUDGE

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List No.: 1 Sl No.: 54