NC: 2025:KHC:32897 CRL.P No. 11278 of 2025



IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 22ND DAY OF AUGUST, 2025 BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 11278 OF 2025

BETWEEN:

MR. NAGARAJ @ DICCHI NAGA S/O LATE MANJUNATH, AGED ABOUT 26 YEARS, R/OF 3RD CROSS, MURALI KRISHNA ROAD, DODDAGOWDANAPALYA, BENGALURU 560061

...PETITIONER

(BY SRI. SHRIVATSA., ADVOCATE)

AND:

STATE OF KARNATAKA THROUGH SUBRAMANYAPURA POLICE STATION, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KARNATAKA, BENGALURU 560 001.



...RESPONDENT

(BY SRI. RANGASWMY. R., HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN S.C.NO.101/2025 (CR.NO.52/2020 OF THE RESPONDENT SUBRAMANYAPURA P.S BENGALURU) REGISTERED FOR THE OFFENCE P/U/S 143,144,323 AND 307 R/W 149 OF IPC PENDING ON THE FILE OF THE LXVII ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY CCH-68.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioner has preferred this petition, to enlarge him on bail in Crime No. 52/2020 of Subramanyapura Police Station, Bangalore City, pending in S.C.No.101/2025 on the file of LXVII Additional City Civil And Sessions Judge, Bangalore City, arising out of a split up charge sheet.

- 2. Heard both sides and perused the material on the call.
- 3. The above mentioned FIR came to be registered against unknown persons, on a complaint lodged by one Mapizul S.K., wherein he alleged that on 31.03.2020 at about 01.00 a.m., 6 accused persons came and knocked the door of his house and asked for water and then all of a sudden picked up quarrel with him and one of the accused caused injuries to him with a knife, with an attempt to commit his murder and thereafter, all of them fled away.



- 4. Charge sheet is filed against accused Nos.1 to 7 for the offence punishable under Section 143, 144, 323, 307 r/w 149 IPC. It is alleged that accused Nos. 1 to 7, along with a child in conflict with law, have committed the offence. In the charge sheet, petitioner arraigned as accused No. 1, is shown as absconding.
- 5. The main case in C.C.No.29415/2021 was committed to the Court of Sessions and registered as S.C.No.888/2023. As the petitioner was absconding, case against him came to be split up, in C.C.No.34054/2021. He was secured on 02.01.2025. His bail petition has been rejected by the learned Sessions Judge, on the ground that if he is enlarged on bail, there is all possibility of him absconding, which will lead to delay in progress of the case.
- 6. Learned High Court Government Pleader has contended that petitioner is a habitual offender, involved in 3 more cases and all the while he was absconding and



hence, if he is enlarged on bail, he may once again flee from justice and commit similar offences.

- 7. It is the submission of the learned counsel that, petitioner was suffering from jaundice and taking Ayurvedic treatment at his native place and registration of FIR and filing of charge sheet was not within his knowledge. He further submits that, petitioner has a 4 years old child and he is the only breadwinner of the family.
- 8. FIR is registered against unknown persons. In the charge sheet, petitioner, arraigned as accused No.1 has been shown as absconding. It is the submission of the learned counsel that petitioner himself has surrendered before the police on 02.01.2025, after coming to know about the case pending against him. Though, the reasons assigned that he was suffering from jaundice and taking Ayurvedic treatment etc., cannot be accepted to condone his conduct, since there is no material placed on the record, however, considering that the FIR was registered



against unknown persons and all other accused are now on bail, an opportunity can be given to the petitioner to participate in the trial, imposing stringent conditions. Hence the following:-

ORDER

- i) Petition is **allowed**.
- ii) Petitioner/accused No. 1 in Crime No. 52/2020 of Subramanyapura Police Station, Bangalore City, pending on the file of the LXVII Additional City Civil and Sessions Judge, Bangalore City (CCH-68) in S.C.No.101/2025 shall be enlarged on bail subject to the following conditions:
 - 1. He shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court.
 - 2. He shall furnish proof of his residential address and shall inform



the Court, if there is change in the address.

- 3. He shall not directly or indirectly tamper with the prosecution witnesses.
- 4. He shall not indulge himself in committing any offence.
- 5. He shall not leave the jurisdiction of the trial Court, without prior permission of the learned Sessions Judge, till the case is dispose of.
- 6. He shall appear before the trial Court regularly on all dates of hearing.

Violation of any of the condition/s shall result in cancellation of bail.

Sd/-(MOHAMMAD NAWAZ) JUDGE

LDC

List No.: 1 SI No.: 29