

# Basavaraj S/O Shivanand Tirlapur vs State Of Karnataka on 19 February, 2025

**Author: Ravi V.Hosmani**

**Bench: Ravi V.Hosmani**

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NC: 2025:KHC-D:336  
CRL.P No. 100550 of 2025

IN THE HIGH COURT OF KARNATAKA,  
DHARWAD BENCH

DATED THIS THE 19TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

CRIMINAL PETITION NO.100550 OF 2025  
[438(Cr.PC)/482(BNSS)]

BETWEEN:

BASAVARAJ  
S/O. SHIVANAND TIRLAPUR,  
AGE: 19 YEARS, OCC. STUDENT,  
R/O. NARENDRA,  
TQ: AND DIST: DHARWAD-580007.

... PETIT

(BY SRI NAVEEN CHATRAD, ADVOCATE)

AND:

STATE OF KARNATAKA  
VIDYAGIRI P.S.,  
REP. BY ITS ADDL. STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA,  
DHARWAD BENCH, DHARWAD.

Digitally  
signed by  
MALLIKARJUN

MALLIKARJUN RUDRAYYA  
RUDRAYYA KALMATH

KALMATH Date:  
2025.02.20

... RESPON

14:28:00

(BY SMT.GIRIJA S.HIREMATH, HCGP)

+0530

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. (482 OF BNSS), SEEKING TO ALLOW THIS CRIMINAL PETITION AND RELEASE THE PETITIONER/ACCUSED NO.1 IN THE EVENT OF HIS ARREST BY THE VIDYAGIRI P.S. IN CRIME NO.8/2025 FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 140(3), 115(2), 118(2), 109(1), 351(1), 351(2), 352, 3(5) OF BNS.

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

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NC: 2025:KHC-D:3369  
CRL.P No. 100550 of 2025

#### ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI) This petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for short) for grant of anticipatory bail in Crime no.8/2025 by Vidyagiri Police Station for offences punishable under Sections 140 (3), 115 (2), 118 (2), 109 (1), 351 (1), 351 (2), 352 read with Section 3 (5) of Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) by accused no.1 (petitioner).

2. Sri Naveen Chatrad, learned counsel for petitioner submitted that case of prosecution was that Renuka Uppar (complainant) filed complaint stating that she was residing at Nisarga layout, Dharwad with her mother, son and sister's son Abhishek. On 12.01.2025 at 10:45 p.m. four unknown persons came home and enquired about Abhishek using abusive language. They alleged that he had abused their family and kidnapped him on their motorcycles and went towards Kalyannagar. Immediately complainant informed her relative Manjunath Kabber, who went in search of Abhishek. A little NC: 2025:KHC-D:3369 later, one Pintu, informed her that some four persons were assaulting Abishek and Manjunath. When she went near Taiwak Factory with Arun, a neighbor, she saw Manjunath crying in pain with Abhishek nearby. On enquiry, they told that Dharshan, Basavaraj, Ayan and another were assaulting Abhishek and when Manjunath came there, they assaulted him also with fists on his face. When he fell down, they hit him with stone on his leg causing grievous injury. Basavaraj picked up a stone and threw it on his leg by threatening to kill him. He also picked up stone again with intention to hit him on his chest. But he somehow escaped and cried out aloud for help, causing assaulters to run away threatening to kill Manjunath and Abhishek some other time. Immediately injured were taken to District Hospital for treatment, where Manjunath was admitted. Based on said complaint, Crime no.8/2025 was registered by Vidyagiri Police Station for offences mentioned supra.

3. It was submitted petitioner was 19 year old student hailing from respectable family and who were permanent residents having movable and immovable properties. It was also submitted there were no criminal antecedents and none of NC: 2025:KHC-D:3369 offences alleged were punishable with death or imprisonment for life.

4. It was further submitted incident occurred between 10:45 to 11:15 p.m. on 12.01.2025 whereas complaint was filed at 2:05 p.m. on 13.01.2025, giving scope for false implication of petitioner, with intention to spoil his reputation. It was also submitted, medical reports did not reflect any grievous injuries and accused no.2 was already granted anticipatory bail. On above grounds sought for allowing petition.

5. On other hand Smt.Girija S. Hiremath, learned HCGP for respondent - State opposed petition. At outset, it was submitted, application for anticipatory bail filed during pendency of investigation especially on a complaint containing specific overt-acts for offences including attempt for commit murder, in furtherance of which victim had sustained injuries would attract higher punishment of imprisonment for life. Therefore, nature of offences alleged were heinous. It was submitted, Wound Certificates of Manjunath and Abhishek indicated both having sustained injuries and injury no.1 NC: 2025:KHC-D:3369 sustained by Manjunath was grievous, correlated with injuries sustained by him. It was submitted, injured victims were themselves eye-witnesses. Therefore, there was no false implication. On above grounds prayed for rejection of petition.

6. Heard learned counsel.

7. From above, point that arises for consideration is:

"Whether petitioner is entitled for anticipatory bail on conditions?

8. This petition is by accused no.1 for anticipatory bail in Crime no.8/2025 for offences under Sections 140 (3), 115 (2), 118 (2), 109 (1), 351 (1), 351 (2), 352 and 3 (5) of BNS.

9. Offences alleged against accused are kidnapping under Section 140 (3) of BNS punishable with imprisonment for upto seven years; voluntarily causing hurt under Section 115 (2) of BNS punishable with imprisonment for upto one year; voluntarily causing grievous hurt under Section 118 (2) of BNS punishable with imprisonment for life; attempt to commit murder under Section 109 (1) of BNS punishable with imprisonment for life; criminal intimidation under Section 351 (1) and (2) of BNS punishable with imprisonment for upto two NC: 2025:KHC-D:3369 years; insult intended to provoke breach of peace under Section 352 of BNS punishable with imprisonment for upto two years; and common intention under Section 3 (5) of BNS.

10. Since offences under Sections 118 (2) and 109 of BNS attract maximum punishment of imprisonment for life, nature of offences would be heinous. Moreover, nature of injuries mentioned in wound certificates were 'simple' except abrasion injuries over right leg and forearm in case of Manjunath. Said injuries are not on any vital parts of body caused in furtherance of common intention to commit murder.

11. Further, immediately after incident which occurred at 11:15 p.m. on 12.01.2025 and victims were taken to hospital for treatment, complaint is filed at 2:05 p.m., on 13.01.2025, which would give scope for afterthought. Moreover, prosecution has not denied petitioner's assertion that he was a student and permanent resident with family holding movable and immovable properties and about petitioner not having any criminal antecedents. Under above circumstances, point for consideration is answered in affirmative. Hence, following:

NC: 2025:KHC-D:3369 ORDER Petition is allowed. Petitioner/accused no.1 shall be enlarged on bail, in case of arrest in Crime no.8/2025 of Vidyagiril Police Station for offences punishable under Sections 140 (3), 115 (2), 118 (2), 109 (1), 351 (1), 351 (2), 352 and 3 (5) of BNS, subject to following conditions:

a) Petitioner/accused no.1 shall appear before Investigating Officer within 15 days from date of this order and execute a personal bond in a sum of Rs.50,000/- with one surety for likesum.

b) He shall appear before Investigating Officer for purpose of investigation as and when required and co-

operate with investigation.

c) Until filing of charge sheet, he shall also mark his attendance with Investigating Officer between 9:00 a.m. to 4:00 p.m. every alternative Sunday beginning from 23.02.2025.

d) He shall not threaten, tamper or influence prosecution witnesses, either directly or indirectly.

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e) He shall not indulge in any criminal activities.

f) He shall forthwith inform change of residence to Investigating Officer.

g) Observations made herein are prima facie consideration of this order and shall not bind trial court while passing final judgment.

SD/-  
(RAVI V.HOSMANI)

JUDGE

GRD  
CT: PA