

Arun Kumar vs State By Rajankunte Police on 8 February, 2023

Author: K.Natarajan

Bench: K.Natarajan

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CRL.P No. 1056 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF FEBRUARY, 2023

BEFORE
THE HON'BLE MR JUSTICE K.NATARAJAN

CRIMINAL PETITION NO. 1056 OF 2023

BETWEEN:

ARUN KUMAR
S/O GOVINDAPPA,
AGED ABOUT 30 YEARS,
R/AT BOMMASHETTIHALLI VILLAGE,
HOSURU HOBLI,
GOWRIBIDANURU TALUK,
CHIKKABALLAPURA DISTRICT - 561 210.

...PETITIONER

(BY SRI. RAVIKUMARA B R., ADVOCATE)
AND:

Digitally signed
by
MOHANKUMAR
M
Location: High
Court of
Karnataka

STATE BY RAJANKUNTE POLICE,
REPRESENTED BY

STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING - 566 001.

...RESPONDENT

(BY SRI. B.J. ROHITH, HCGP)

THIS CRL.P FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE
PETITIONER ON BAIL IN CR.NO.131/2022 OF RAJANUKUNTE P.S.,
BENGALURU CITY FOR THE OFFENCE P/U/S.394 AND 364 OF IPC
PENDING ON THE FILE OF IV ADDITIONAL DISTRICT AND SESSIONS
JUDGE, DODDABALLAPURA IN S.C.NO.10023/2022.

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

ORDER

Learned HCGP is directed to take notice for the respondent - State.

2. This petition is filed by the petitioner/ accused No.1 under Section 439 of Cr.P.C. for grant of regular bail in Crime No.131/2022 registered by Rajanukunte Police Station, Doddaballapura Circle, Bengaluru and chargesheeted for the offences punishable under Sections 364 and 394 of IPC.

3 Heard the learned counsel for the petitioner and learned HCGP for the respondent -State.

4. The case of the prosecution is that the complainant has filed the complaint on 14.06.2022 alleging that on 13.06.2022 when he was at home along with his mother, accused No.2 made a phone call and asked him to come near Kadathamale Toll. Complainant went to the said place at 3.00 p.m by taking his elder sister's two wheeler and met accused No.2. Thereafter, accused No.1 and 3 took the complainant in their vehicle and made him to consume alcohol and assaulted him and also called complainant's mother by threatening and demanding ransom to leave the complainant.

5. Learned counsel for the petitioner submits that the petitioner is in judicial custody from 22.06.2022. Whereas, accused No.2 and 3 already have granted bail by this Court in Crl.P. No.6586/2022. Investigation is completed and chargesheet has been filed. Hence, prays to allow this petition.

6. Per contra learned HCGP objected for the grant of bail contending that the petitioner is an habitual offender having totally 11 cases registered against him, all are dacoity and robbery cases. Therefore, seeks to reject this bail application as there is change circumstances.

7. Having heard the arguments and on perusal of the records, which reveals that this Court vide order dated 26.09.2022 in Crl.P. No.7977/2022, after detail consideration, the bail application has been dismissed on merits stating that the petitioner is an habitual offender and involved in 11 cases, which are robbery, dacoity, murder and kidnapping cases.

8. Considering the facts and circumstances, I am of the view that, if the petitioner is released on bail, there is every possibility of committing similar offences, which are not ruled out. Therefore, this petitioner/ accused No.1 is not entitle for bail.

Accordingly, the successive bail petition is dismissed.

Sd/-

JUDGE LL