

# Rakshith Kumar @ Harsha vs State Of Karnataka on 5 August, 2024

**Author: Mohammad Nawaz**

**Bench: Mohammad Nawaz**

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NC: 2024:KHC:30903  
CRL.P No. 6202 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ  
CRIMINAL PETITION NO. 6202 OF 2024

BETWEEN:

RAKSHITH KUMAR @ HARSHA  
S/O SIDDALINGAIAH,  
AGED ABOUT 35 YEARS,  
R/AT NO. 102-3, RAMAPPA BUILDING,  
NEAR ESAR PETROL BUNK,  
N. KODIHALLI VILLAGE,  
KOPPA HOBLI, MADDUR TALUK,  
MANDYA DISTRICT 571 428

...PETITIONER

(BY SRI. BASAVARAJU T.A., ADVOCATE)

AND:

Digitally

signed by  
LAKSHMI T  
Location:  
High Court  
of Karnataka

STATE OF KARNATAKA  
BY BIDADI POLICE,  
RAMANAGARA DISTRICT,  
REPRESENTED BY LEARNED

STATE PUBLIC PROSECUTOR  
PUBLIC PROSECUTORS OFFICE,  
HIGH COURT BUILDING,  
HIGH COURT OF KARNATAKA,  
AMBEDKAR VEEDI,  
BENGALURU 560 001

...RESPONDENT

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO  
ENLARGE HIM ON BAIL IN CR.NO.323/2020 OF BIDADI POLICE  
STATION, RAMANAGARA DISTRICT, FOR AN OFFENCE P/U/S  
397 OF IPC, WHICH IS PENDING ON THE FILE OF HONBLE  
PRINCIPAL SENIOR CIVIL JUDGE AND CJM, AT RAMANAGARA  
IN S.C.NO.3/2024 ON SUCH TERMS AND CONDITIONS.

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

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

ORAL ORDER [

1. This is a successive bail petition filed by the petitioner praying to enlarge him on bail in Crime No.323/2020 registered at Bidadi Police Station.
2. This Court vide order dated 12.03.2024 in Criminal Petition No.944/2024, after considering the entire facts and circumstances of the case, has dismissed the said petition.

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3. Learned counsel for the petitioner has contended that evidence of the first informant has been recorded, wherein he has not identified the cash recovered in this case and stated that he has not identified the petitioner in the police station. He submits that the petitioner was arrested on 10.12.2023 and he is in judicial custody since then. Therefore, submits that by imposing any stringent conditions, the petitioner may be admitted to bail.
4. Learned High Court Government Pleader has opposed the prayer contending that the petitioner has been involved in several cases. Therefore, if he is released on bail, he may once again involve in committing similar offences. He therefore, sought to dismiss the petition.

5. It is the case of the prosecution that on 28.12.2019 at about 5.00 a.m, when the victim/first informant was waiting near Railway Gate on Mysore-Bangalore road so as to go to Bangalore, accused Nos.1 to 3 came in a Swift Car and in the guise of giving him a drop, took him in the Car NC: 2024:KHC:30903 towards Kaadumane Cross and pointing a dagger at him, robbed him of cash and a laptop bag etc.

6. Admittedly the trial is in progress. The victim has been examined as PW.1. This Court cannot appreciate the evidence of PW.1, while considering a bail petition. The prayer of the petitioner was already rejected by this Court on 12.03.2024 in Criminal Petition No.944/2024. It is observed by this Court that the petitioner is involved in similar other cases and he is a habitual offender, therefore, if he is enlarged on bail, he may once again commit similar offences. The learned Sessions Judge while rejecting the prayer for bail has observed that the petitioner has been involved in several robbery, attempt to commit murder and making preparations for committing dacoity offences etc. Apart from that, chances of tampering the prosecution witnesses and absconding from the jurisdictional police and also Court, cannot be ruled out.

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7. Considering the above facts and circumstances, this Court is not inclined to enlarge the petitioner on bail. Petition is accordingly dismissed.

Sd/-

(MOHAMMAD NAWAZ) JUDGE NG List No.: 1 Sl No.: 17 CT:SNN