



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 2143 OF 2023

BETWEEN:

NAVEEN K.,
S/O. SRI. KRISHNA,
AGED ABOUT 22 YEARS,
R/AT NO.30/G, 2ND BLOCK,
SLUM QUARTERS,
KASAVANAHALI MAIN ROAD,
KUDLU, BENGALURU - 560 068.

...PETITIONER

(BY SRI. GIREESHA R.J., ADVOCATE)

AND:

STATE OF KARNATAKA,
BELLANDUR POLICE STATION,
BENGALURU - 560 068.
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. K. KRISHNA KUMAR, HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 OF CR.PC
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE
CR.NO.240/2022 REGISTERED BELLANDURU POLICE STATION,
BENGALURU CITY DISTRICT FOR THE OFFENCE P/U/S 302, 341
AND 506(B) OF IPC, PENDING ON THE FILE OF LXVII ADDL.
CITY CIVIL AND SESSIONS JUDGE, BENGALURU.

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



ORDER

This petition is filed under Section 439 of Cr.P.C., seeking bail, by the sole accused in Crime No.240/2022 of Bellandur Police Station.

2. Heard the learned counsel for petitioner and the learned High Court Government Pleader for respondent-State and perused the material on record.

3. It is the case of prosecution that, accused is addicted to alcohol and he used to shout and cause nuisance in the slum quarters and assert that he will commit some one's murder to become famous. On 03.10.2022 at about 10.00 pm, when he was shouting and causing nuisance to the public, deceased Anil Kumar advised him not to do so. At that time, there was a quarrel and in the said quarrel, deceased slapped the accused. Hence, accused was nursing ill-will against him. In this background, on 09.10.2022 at about 6.10 pm, when the deceased was coming out of his house, accused waylaid him holding a dagger and stabbed on his neck.



When C.Ws.2 to 4 tried to intervene, accused threatened them with dire consequences, if they tried to rescue the deceased and then chased the deceased who was running for his life and once again stabbed him on his neck, abdomen and other parts of the body. The deceased was shifted to one Vikram Clinic and from there to Med well hospital. He was then shifted to one Kaveri Hospital for higher treatment, but he was declared brought dead by the Doctor at about 6.50 pm.

4. The learned counsel for petitioner has contended that the incident has occurred in a quarrel and in the earlier incident it was the deceased who picked up quarrel with the accused and slapped him. He submits that even accepting the case of prosecution, there was no intention for the accused to take away the life of the deceased. He submits that accused is aged about 22 years and he is in judicial custody since 10.10.2022 and therefore, submits that by imposing any conditions, he may be enlarged on bail.



5. The learned High Court Government Pleader on the other hand has contended that, there are eye witnesses to the incident and they have clearly stated that this petitioner has stabbed the deceased on the vital parts of the body. He submits that a *prima facie* case is made out against the petitioner and therefore, seeks to reject the petition.

6. The complainant is the mother of the victim. She has stated in the complaint lodged on 09.10.2022 that at about 6.00 pm, her son went out of the house and after some time, she was informed by her relative by name Gopi, that her son has been murdered by the petitioner herein. In the course of investigation, statements of the eye witnesses i.e., C.Ws.2 to 4 are recorded. Their statements clearly reveal that petitioner has assaulted the deceased with a dagger on his neck and chased him and again assaulted on his neck and abdomen. As per post-mortem report, deceased has sustained about 7 injuries and cause of death is due to shock and hemorrhage, as a



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result of stab injuries sustained to the neck. At this stage, it cannot be said that, incident has occurred in a sudden quarrel or that the accused had no intention to commit the alleged offence. There is a *prima facie* case made out against the petitioner. Considering the nature and gravity of the offence, this is not a fit case to enlarge the petitioner on bail.

Hence, petition is ***dismissed***.

Sd/-
JUDGE

GPG
List No.: 1 Sl No.: 32
CT: AVB