



IN THE HIGH COURT OF KARNATAKA,  
KALABURAGI BENCH

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DATED THIS THE 2<sup>ND</sup> DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 200489 OF 2023

BETWEEN:

1. BASSAPPA @ MUTTAPPA  
S/O SHARANAPPA HULIKERI,  
AGE: 32 YEARS,  
OCC: AGRICULTURE,  
R/O. YARKIHAL,  
TQ: HUNASAGI,  
DIST: YADGIRI-585 215.
2. SOMANNA @ SOMALINGAPPA  
S/O MUDAKAPPA KUNKOJI  
AGE: 42 YEARS,  
OCC: AGRICULTURE,  
R/O. NALATHWAD  
TQ: MUDDEBIHAL,  
DIST: VIJAYAPURA-586 212.

...PETITIONERS

(BY SRI GANESH S. KALBURGI, ADVOCATE)

AND:

THE STATE OF KARNATAKA  
THROUGH NARAYANAPUR POLICE STATION,  
YADGIRI TALUKA,





YADGIR-585 219  
REPRESENTED BY SPP,  
HIGH COURT OF KARNATAKA  
KALABURAGI BENCH

...RESPONDENT

(BY SRI GURURAJ V. HASILAKAR, HECGP)

THIS CRIMINAL PETITION IS FILED U/S. 438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF ARREST IN CRIME NO.63/2021 OF NARAYANAPUR POLICE STATION, HUNASAGI TALUK, YADGIR DISTRICT FOR THE OFFENCES PUNISHABLE UNDER SECTION 143, 147, 148, 323, 324, 307, 341, 354, 504, 506 R/W. 149 OF IPC AND ETC.

THIS CRIMINAL PETITION PERTAINING TO KALABURAGI BENCH COMING ON FOR FURTHER HEARING AT PRINCIPAL BENCH THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Heard the learned counsel appearing for the petitioners and the learned HCGP appearing for the State.

2. This petition is a successive bail petition filed under Section 438 of Cr.P.C. praying this Court to enlarge



the petitioners on bail for the offences punishable under Sections 143, 147, 148, 323, 324, 307, 341, 354, 504, 506 read with Section 149 of IPC. This Court, earlier rejected the bail petition vide order dated 09.12.2021 in Crl.P.No.201650/2021 connected with Crl.P.No.201655/2021 wherein these petitioners are the petitioners in Crl.P.No.201650/2021 and this Court having considered the material on record in paragraph 6 discussed in detail and comes to the conclusion that the material collected by the Investigating Officer prima facie discloses having committed the offences and considered the gravity of the offences and also the injury sustained by the victim and comes to the conclusion that not find any reason to invoke Section 438 of Cr.P.C. to grant bail to accused Nos.1 and 3 and the same is decided on merits.

3. Now, in the second bail petition the ground urged before this Court that there were case and counter case and cases were also registered against the complainant and reason stated in the complaint and FIR



does not substantiate any motive on the part of the petitioners to attract Section 307 of IPC and injured has not suffered any fatal injury to the vital parts of the body which may cause death and no other changed circumstances is pleaded in the petition.

4. In the judgment of the Apex Court reported in **2021 SCC Online SC 176** in the case of **G R ANANDA BABU vs STATE OF TAMIL NADU AND ANOTHER** wherein a challenge was made to granting of anticipatory bail and the Apex Court set aside the order and cancelled the anticipatory bail granted and directed to take him to the custody wherein an observation is made that as a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a



speaking order and that too by the same Judge. Having considered the principles laid down in the judgment referred supra, in a successive bail petition filed under Section 438 of Cr.P.C., this Court cannot once again reconsider the merits of the case when already formed an opinion that accused Nos.1 and 3 have not made out any grounds to invoke Section 438 of Cr.P.C. Hence, I do not find any grounds to entertain this successive anticipatory bail petition to consider under Section 438 of Cr.P.C. again. Thus, there is no merit in the petition.

5. In view of the discussions made above, I pass the following:

**ORDER**

The bail petition is rejected.

**Sd/-  
JUDGE**

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