



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ

**CRIMINAL PETITION NO. 362 OF 2025 (438(Cr.PC) /
482(BNSS))**

BETWEEN:

SRI. IMRAN H
AGE 37 YEARS,
S/O ASLAM H,
R/AT SANTEBANNURU POST,
CHENNAGIRI TALUK,
DAVANAGERE DISTRICT-577 552.

...PETITIONER

(BY SRI. TAJUDDIN, ADVOCATE)

AND:

STATE OF KARNATAKA
REP BY SANTHEBENNUR
POLICE STATION-572 201,
CHENNAGIRI,
DAVANGERE DISTRICT.
REP BY STATE PUBLIC PROSECUTOR,
O/O ADVOCATE GENERAL,
HIGH COURT OF KARNATAKA
BUILDING COMPLEX,
BANGALORE-560 001.

...RESPONDENT

(BY SRI. HARISH GANAPATHY, HCGP FOR R1
SRI. SAMEER S.N., ADV. FOR DEFACTO COMPLAINANT)

THIS CRL.P IS FILED U/S 438 CR.P.C (U/S 482 BNSS)
PRAYING TO ALLOW THE CRIMINAL PETITION OF PETITIONER





FOR THE GRANT OF ANTICIPATORY BAIL IN CRIME NO.3/2025 PUNISHABLE U/S 69, 318(2) OF BNS ACT, PENDING IN THE COURT OF ADDL. CIVIL JUDGE (JR.DN) AND JMFC COURT, CHENNAGIRI, DAVANAGERE DISTRICT, REGISTERED BY SANTEBANNUR POLICE STATION, DAVANAGERE DISTRICT AS PER ANNEXURE-A AND ETC.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, THIS DAY, PRONOUNCED THE FOLLOWING:

DATE OF RESERVED THE ORDER : 28.01.2025

DATE OF PRONOUNCEMENT OF THE ORDER : 31.01.2025

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

CAV ORDER

In this petition preferred under Section 482 of BNSS, 2023, petitioner/accused in Crime No.3/2025 of Santhebennur Police Station has sought to release him on anticipatory bail.

2. Above case is registered against the petitioner for the offence punishable under Section 69, 318(2) of BNS, 2023, on a complaint lodged by Rabiya Basri.

3. Complaint averments in brief are that, the complainant and the accused were working as teachers in one Wisdom School, Hosur Village, hence, they got



acquainted with each other. It is alleged, the accused with a promise of marriage, committed sexual intercourse with the complainant and later cheated her etc.

4. Petitioner has directly approached this Court seeking anticipatory bail. He has not availed the remedy before the Sessions Court.

5. The learned counsel for petitioner has contended that both Sessions Court and High Court are having concurrent jurisdiction to entertain an application seeking bail and therefore, the petitioner has approached this Court directly. He would contend that the petitioner was kidnapped by the henchman of the complainant and detained from 04.12.2024 to 09.04.2024. A missing complaint was filed by his father on 05.12.2024, registered as Crime No.232/2024 at Santhebennur Police Station, Davanagere. He contended that the entire allegations made against the petitioner are false and created and there is a threat to the petitioner.



6. Learned counsel has relied on a judgment of the Bombay High Court in ***Mohanlal Nandram Choudhari v. State of Maharashtra*** reported in **2007 CRL.L.J.4656** and a judgment rendered by this Court in Crl.P.No.3213/2013 disposed on 11.06.2013.

7. Though Sessions Court and High Court have concurrent jurisdiction in entertaining and deciding a petition for bail, it is prudent for the petitioner to approach the Sessions Court at the first instance, unless there are exceptional circumstances to file such application directly before the High Court, bypassing the Sessions Court. In the above decision rendered by the Bombay High Court, the said position has been reiterated. No exceptional reasons are made out so as to entertain the instant petition. If an adverse order is passed by the Sessions Court, it is always open for the petitioner to file a petition before this Court for the same relief. If the instant petition seeking anticipatory bail is entertained without there being any exceptional grounds made out, it will set a precedent



and in every case, this Court has to deal with such petitions.

8. In the second decision relied on by the learned counsel for petitioner, it is a case wherein no FIR was registered, hence the petition seeking anticipatory bail was rejected by the Sessions Court on the ground that no blanket order can be passed. This Court granted anticipatory bail considering the threat of arrest faced by the accused therein. In the said case, the accused had approached the Sessions Court in the first instance. The said decision is not applicable to the case on hand.

9. For the foregoing reasons, petition is ***disposed of*** reserving liberty to the petitioner to seek remedy before the Sessions Court.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**