
(2010) 12 KAR CK 0052
In the Karnataka High Court
Case No : Criminal Petition No. 5922 of 2010

Babu @ Chamber and Annes Ahmed @ Anees	APPELLANT
Vs	
State of Karnataka	RESPONDENT

Date of Decision : 28-12-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 302, 34, 364

Citation : (2010) 12 KAR CK 0052

Hon'ble Judges : K.N. Keshavanarayana, J

Bench : Single Bench

Advocate : Ramsingh and Associates, for the Appellant; Sampangi Ramaiah, HCGP, for the Respondent

Final Decision : Allowed

Judgement

K.N. Keshavanarayana, J.—The Petitioners are Accused Nos. 1 and 2 in Cr. No. 90/2009 of Sampigehalli Police Station. They are alleged to have committed offence under Sections 364 and 302 r/w 34 IPC.

2. According to the case of the prosecution, one Syed Azgar Ali was admitted to the Hospital on account of ill-health. However, he could not recover and died. Before his death, he had informed the accused persons that because of practice of black-magic on him by one Chand Pasha on account of professional jealousy, he suffered ill-health. In this background, the accused, went in a car and chased the deceased, assaulted and killed him.

3. According to the Petitioners, they have not committed any acts and they are innocent. Accused No. 3 was enlarged on bail by this Court by order dated 17.06.2010 and hence, on ground of parity, they are entitled to be enlarged on bail.

4. The petition is opposed by the Respondent-Stats.

5. I have beard both sides and perused the records.

6. Learned Counsel for the Petitioners has made available the certified copy of the order of this Court in CrI.P. No. 2854/2010 dated 17.06.2010 granting bail to Accused No. 3 in the said case. Perusal of the said order indicate that, Accused No. 3 was granted bail on the premise that Accused Nos. 4 and 5 have been already granted bail. Having regard to the allegations made against these Petitioners, I am of the opinion that the Petitioner stand on the same footing as that of other accused persons who are already enlarged on bail Therefore, on the ground of parity, the Petitioners are entitled to be enlarged on bail. Accordingly, the petition is allowed. The Petitioners are ordered, to be enlarged on bail, subject to the fallowing conditions :

- i) Petitioners shall execute a personal bond each for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety for the like-sum to the satisfaction of the Sessions Judge;
- ii) Petitioner shall not tamper the prosecution witnesses in any manner:
- iii) Petitioner shall appear before the Sessions Court on all the hearing dates without fail.