
(2018) 02 KAR CK 0127
In the Karnataka High Court
Case No : 8570 of 2017

Beeru Ravat @ Beeru & Anr.

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 09-02-2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 439](#) - Special powers of High Court or Court of Session regarding bail
[Indian Penal Code, 1860](#), [Section 302](#),
[Section 144](#)

Citation : (2018) 02 KAR CK 0127

Hon'ble Judges : Budihal R.B.

Bench : Single Bench

Advocate : Jagadeesha H, Chetan Desai

Judgement

1. Since these two petitions are in respect of the same crime number and similar questions of law and facts are involved in both the petitions, they

are taken together to dispose of them by this common order in order to avoid repetition of discussion of law and facts.

2. CrI.P.No.8570/2017 is filed by accused Nos.6 and 7 and CrI.P.No.8572/2017 is filed by accused No.11, both under Section 439 of Cr.P.C.,

seeking their release on bail for the offences punishable under Sections 143, 144, 147, 148, 323, 324, 302 r/w Section 149 of IPC registered in

respondent - police station Crime No.44/2017.

3. The allegation as per the complaint averments are that the complainant is distributing water by keeping the water tanker. Several sheds are

constructed in Sy.No.78/5 measuring 3/4 acre and several labourers coming from various places for the sake of work are residing in the said

sheds. On 18-19/3.2017 in the night at about 11.00 p.m. when the petitioners

are in the shed, at that time, deceased Prasannjeeth Sardar hit the door by stone, petitioners warned the deceased and sent him out. Again at about 12.15 a.m. deceased hit the door of the shed belonging to the petitioners, at that time, petitioners being angry, formed unlawful assembly with lethal weapons and with an intention to murder the deceased came out of the shed. Accused No.1 brought the club, accused No.11 a knife and accused Nos.6 and 7 took kerosene pump stove. Accused Nos.1 to 11 surrounded the deceased and accused Nos.1, 6, 7 and 11 assaulted him with the weapons and other accused assaulted by hand and legs and thereby committed the murder of the deceased. On the basis of the said complaint, case was registered for the alleged offences.

4. Heard the arguments of the learned counsel appearing for the petitioners/accused Nos.6, 7 and 11 and also the learned High Court Government

Pleader appearing for the respondent-State, in respect of both the petitions.

5. Learned counsel for the petitioners during the course of his arguments submitted that accused Nos.2 to 5 and 8 to 10 are already admitted to

bail by the order of this Court. He has produced the copy of the bail order dated 10.8.2017 passed in CrI.P.No.6477/2017. He has submitted

that complainant is not the eyewitness, but the prosecution planted the complainant as an eyewitness to the incident. Only bald and general

allegations are made that accused Nos.1 to 11 assaulted the deceased and committed his murder and there are no specific allegation against each

of the accused and the weapons used by them for assaulting the deceased. Hence, there is no prima facie case against the petitioners regarding

their involvement in committing the alleged offences. Now the investigation is completed and charge sheet is also filed. Hence, it is submitted that

by imposing reasonable conditions, petitioners in respect of both the petitions may be admitted to bail.

6. Per contra, learned High Court Government Pleader during the course of his arguments submitted that the complainant gave further statement on

the very next day wherein he has clearly stated about the individual assault made on the deceased. He submitted that the petitioners herein were

holding deadly weapons and have assaulted the deceased. Accused No.11 assaulted with knife and accused Nos.6 and 7 with the pump stove

and caused injuries. As per the post mortem report totally there are 24 injuries

sustained by the deceased and death is because of the multiple injuries sustained. Hence, he has submitted to reject the petitions.

7. I have perused the grounds urged in the bail petitions, FIR, complaint, so also, order of this Court passed in respect of other accused persons relied upon by the learned counsel for the petitioners.

8. As per the complaint averments, complainant claims that he is the eyewitness to the incident. It is no doubt true in the complaint filed at the first

instance, it is not specifically stated as to which accused used which weapon for assaulting the deceased. However, names of these petitioners

along with other accused persons was mentioned in the complaint and the complainant has stated that when he came out of the shed, he saw these

persons quarrelling with the deceased and they surrounded him and assaulted him with weapons which they were holding in their hands. The

deceased was assaulted on his upper limbs, on the face, on the head portion, so also, on the other parts of the body and it was in front of the shed.

The said person collapsed at the said place. By the time the complainant went to the place where he was collapsed the said person was already

dead. The complainant and one Shabbir put the persons who made galata in a room and locked. Then after coming to the police station lodged the

complaint. Further, on the very next day, further statement of the complainant was recorded, wherein specific allegations so far as accused No.11

i.e., petitioner in CrI.P.No.8572/2017 was made alleging that he was holding knife and he assaulted the deceased with knife. The materials also

shows that during the course of investigation, at the instance of accused No.11, knife having blood stains was recovered in the presence of panch

witnesses. With regard to accused Nos.6 and 7 who are the petitioners in CrI.P.No.8570/2017, there is a specific allegation in the further

statement of the complainant that they assaulted the deceased with the stove and caused injuries. The post mortem report also shows that there are

as many as 24 injuries sustained by the deceased and the death is due to multiple injuries.

9. Looking to the materials placed by the prosecution, I am of the opinion that there is a prima facie case against all of the petitioners and these are

not the fit cases to exercise the discretion in favour of the petitioners. Accordingly, both the petitions are hereby rejected.