

(2011) 08 KAR CK 0103
In the Karnataka High Court
Case No : Criminal Petition No. 3472 of 2011

Bheemasena Bhovi and Annappa

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 18-08-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, 365, 506

Citation : (2011) 08 KAR CK 0103

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

Bench : Single Bench

Advocate : R.B. Deshpande, for the Appellant; B. Raja Subramanya Bhat, HCGP, for the Respondent

Final Decision : Allowed

Judgement

The Hon"ble Mr. Justice K.N. Keshavanarayana

1. The Petitioners who have been arraigned as Accused Nos. 1 and 2 in Crime No. 47/2011 of Narasimharajapura Police Station in Chickmagalur District, (C.C No. 1078/11 on the file of the JMFC-II Court. Shimoga) registered for the offences punishable under Sections 365, 506 R/w. 34 of Indian Penal Code. have sought for the relief of bail inter alia on the ground that they are innocent; they have not committed any of the acts alleged and there are no reasonable grounds to believe that they are guilty of any of the aforesaid offences, as such, they are entitled to be enlarged on bail.

2. On the basis of the report lodged by Kum. Shruthi, D/o. Nagappa, resident of Byrapura Village in Narasimharajapura Taluk, a student of II Year B.A. in Rambhapuri College, Shankaraghatta, at 4.00 p.m. on 07.04.2001, the aforesaid case came to be registered and investigation was taken-up.

3. It appears, as the place of occurrence fell within the limits of Manila Police Station at Shimoga, on the point of jurisdiction the case was transferred to Manila Police Station, shimoga and on such reference, the mahila, police,

Shimoga, registered the case in Crime No. 70/2011.

4. According to the allegations made in the first information report on 07.04.2011 at about 8.50 am., the complainant was proceeding towards the college and when she reached near the road leading to Lakshmana Gadde, a Maruthi Omni car bearing registration No. KA-19-MB-322S was found parked near a tamarind tree and soon after she passed the said car, a person inside the car started shouting "catch hold her" and on hearing the same she started running. However, the 1st Petitioner herein came chasing and caught hold her; dragged her into the car and the car was being driven by the 2nd Petitioner and they took her to a some distance and on realising that her family members have come to know about her kidnap, they left her near Sumukha zerox shop at Shankjaraghatta and went away.

5. During investigation, the Petitioners herein were apprehended and subjected to judicial custody. As their prayer for bail came to be rejected by the learned Sessions Judge, they are before this Court. The petition is opposed by the Respondent-State.

6. I have heard the Learned Counsel appearing on both sides and perused the records made available.

7. It is submitted by the learned Government Advocate that after completing investigation, now the charge sheet has been laid for the aforesaid offences. Thus the investigation is completed. From the allegations made in the complaint it is revealed that the complainant was taken in the car to a certain distance and she was left there. The contents of the complaint do not prima facie indicate that the Petitioners had intention to commit any offence. Having regard to the facts and circumstances of the case, at this stage, I find no reasonable grounds to believe that the Petitioners are guilty of any of the offences alleged. In view of the fact that investigation is already completed and the charge sheet is laid, there is no possibility of the Petitioners tampering the prosecution evidences. As admittedly the Petitioners are permanent residents of Aldur Bairapura village in Shimoga District having deep roots in the society, the chances of their fleeing away from justice is highly remote. Under these circumstances, the Petitioners are entitled to be enlarged on bail.

8. In the result, the petition is allowed. The Petitioners are ordered to be enlarged on bail in Crime No. 70/2011 of Mahila Police Station at Shimoga (C.C No. 1078/20.11 on the file of JMFC II Court, Shimoga) on each of them executing personal bond for a sum of Rs. 50,000/- (Rupees Fifty Thousand only] with two sureties for the like-sum to the satisfaction of the learned Magistrate/ Sessions Judge and also subject to the further conditions that,

- i) they shall not tamper or terrorise the prosecution witnesses in any manner;
- ii) they shall not indulge in any acts similar to the one alleged against them:
- iii) they shall appear before the Court on all the dates of hearing without fail.