

(2010) 12 KAR CK 0069
In the Karnataka High Court
Case No : Criminal Petition No. 5222 of 2010

B.M. Raghu

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 23-12-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 143, 147, 148, 324, 341

Citation : (2010) 12 KAR CK 0069

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : S. Shankarappa, for the Appellant; Vijay Kumar Majage, HCGP, for the Respondent

Final Decision : Dismissed

Judgement

Anand Byrareddy, J.—Heard the counsel for the Petitioner.

2. The facts of the case are that, on 14.08.2010 at about 9.00 a.m. the Station House Officer, Koopa Police Station, had received a complaint of one Shoba, wife of Paramesh, residing at Bekkalere village, Koppa Hobli, Maddur Taluk, alleging that, on 14.8.2010 at about 7.00 a.m., when her husband was coming on the motor cycle on Milk Diary Road, certain villagers namely Gowri-Mangegowda, Raghu, Shankar, Ravi and Rudra, Dewara Karrihuchaiah, formed an unlawful assembly, way laid and surrounded him. On hearing the commotion, she had reached the spot and tried to shield her husband, but the accused pushed her aside and one Shankar had chopped the left hand of her husband and the other accused also involved in the incident. Her husband was treated for the injuries at Maddur Government Hospital and thereafter shifted to Hosmat Hospital at Bangalore and then moved to Mallya Hospital, but ultimately, he succumbed to the injuries on 18.08.2010.

3. Thereafter, pursuant to the incident, a case was registered in Crime No. 138/2010 for the offences punishable under Sections 143, 147, 148, 341, 324,

307 read with Section 149 of the Indian Penal Code. The investigating officer, thereafter had altered Section 307 and registered a case u/s 302 of the Indian Penal Code. During the course of investigation, the inquest was held and statement of one Harish B.M. and Raju A.H. were recorded and it was found that the injuries were on the deceased to the non vital parts of the body.

4. Petitioner therefore claim that, he is entirely innocent of the charges levelled against him and the persons who are inimically disposed against the Petitioner have foisted a false case against him since he is the former Chairman of the Village Panchayat and presently he is the Chairman of Grama Vidya Abhiruddi Trust and he is running a High School, a Pre University College apart from the other institutions and he is a law graduate. He claims that, he is well known in his area, this was not tolerated by several political rivals. Therefore, he has been falsely implicated.

5. The Petitioner had approached the Court of Principal Sessions Judge at Mandya in Crl. Misc. No. 1005/2010. The court has rejected the application seeking anticipatory bail on the reasoning that, even though no overt acts are attributed against the Petitioner, the complaint clearly indicates that the accused including the Petitioner had held the victim and accused No 3 had chopped the left hand of the victim. This grappling by the other accused including the Petitioner had facilitated the 3rd accused to chop the hand, which ultimately lead to his death. The complainant's further statement is, on 14.08.2010 to the effect that Petitioner and 3rd accused had concealed weapons in their clothing and Petitioner had also wielded a chopper against the deceased is taken into consideration and the court has held that it is not the stage to consider those aspects which would be the subject matter of trial and further it is noticed that the material on record fairly indicated that the entire village was terror struck on account of the rivalry between the two groups including the Petitioner who is a part of one group and that both previous instances numbering atleast 16 and further that in the year 2000 there had been atleast 59 cases registered and therefore, under those circumstances the court has opined that, there are no reasonable grounds to the Petitioner to commit the offences which is punishable with death or imprisonment of life, therefore has rejected the anticipatory bail application. There is no infirmity in the reasoning of the trial court and this Court would certainly adopt the said reasoning.

The petition is rejected.