

(2013) 12 KAR CK 0228
In the Karnataka High Court
Case No : Criminal Petition No. 8145 of 2013

Chandraiah, Smt. Sudha, Veereshi and Rudresh	APPELLANT
Vs	
The State of Karnataka	RESPONDENT

Date of Decision : 26-12-2013

Acts Referred:

Citation : (2013) 12 KAR CK 0228

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

Bench : Single Bench

Advocate : R.B. Deshpande, for the Appellant; B. Visweswaraiah, HCGP, for the Respondent

Judgement

K.N. Phaneendra, J.—Heard learned counsel for the petitioners and learned H.C.G.P. perused the records. Petitioner Nos. 1 to 4 are arrayed as accused Nos. 2 to 5 in Crime No. 179/2013 of Hadadi Police Station. The allegations as against the petitioners are that, on 8.11.2013 at about 8.30 a.m., a person by name Renugopal Krishna S/o Ramarao lodged a complaint against the petitioners and one Someshi making allegations that on the said day at about 7.30 a.m., a person by name Rambabu called the complainant over phone and informed him that accused No. 1-Someshi in the said case assaulted the father of the complainant by name Ramarao with a chopper. Immediately the complainant went there and found his father lying in a pool of blood with injuries to his neck, chest and other parts of the body. On enquiring with the persons, who were working near the said place, the complainant came to know that accused No. 1 Someshi came there and assaulted the deceased and also threatened the workers who were nearby the spot and thereafter he went away on his motorcycle. It is only in one sentence stated that Someshi and some other persons also came there. It is stated in the complaint that Someshi was supported by his father Chandrayya, mother Smt. Sudha and brothers Veeresh and Rudresha. On the basis of the above said factual aspect, the learned Sessions Judge dismissed the bail petition on the ground that the investigation of

the case is at the early state. So far as the petitioner No. 2 Smt. Sudha (Accused No. 3) is concerned, she is aged about 48 years and the presence of that lady is not spoken to in the F.I.R.

2. Exercising the power, particularly, under the proviso to Section 437(1) of Cr.P.C. the Court can exercise its discretion to enlarge the accused on bail if the person is under the age of sixteen years or is a woman or is sick or infirm. In the instant case, the petitioner No. 2 is a woman and whose presence is not stated by anybody. Without referring to the merits of the case, I feel it just and necessary to enlarge the petitioner No. 2 on bail with the following conditions.

3. Accordingly, the petition in respect of petitioner No. 2 is allowed. Consequently, the petitioner No. 2, in the event of her arrest by the Investigating Officer shall be released on bail subject to the following conditions: i) Petitioner No. 2 shall execute a personal bond for a sum of Rs. 50,000/- (Rupees fifty thousand only) with one solvent surety for the likesum to the satisfaction of the jurisdictional Magistrate.

ii) She shall not indulge in hampering the investigation or tampering the prosecution witnesses.

iii) She shall make herself available to the I.O. as and when required for the purpose of further investigation or interrogation.

iv) She shall not leave the jurisdiction of the jurisdictional Magistrate without prior permission, before filing the charge sheet or further orders by the J.M.A.C.

So far as petitioner Nos. 1, 3 and 4 is concerned, the petition stands dismissed.