

(2024) 03 KAR CK 0012

In the Karnataka High Court

Case No : Criminal Petition No. 2025 Of 2024

H.M. Venkatesh, S/O Late H.G. Mariappa @ Venkatachala
Shetty

APPELLANT

Vs

State By Huliurdurga Police Station, Represented By Spp,
High Court Complex, Bangalore - 560001

RESPONDENT

Date of Decision : 05-03-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 114, 120B, 143, 147, 148, 149, 302

Citation : (2024) 03 KAR CK 0012

Hon'ble Judges : Mohammad Nawaz, J

Bench : Single Bench

Advocate : Shankarappa S, Rajath Subramanya

Final Decision : Allowed

Judgement

Mohammad Nawaz, J

1. Heard the learned counsel for the petitioner, learned High Court Government Pleader for the respondent-State and perused the material on record.

2. Petitioner arraigned as accused No.21 in the Remand Application dated 23.01.2024 has preferred this petition under Section 438 of Cr.P.C to enlarge him on bail in crime No.279/2023 of Huliurdurga Police Station, Tumkur, registered for the offence punishable under Section 143, 147, 148, 120B, 114, 302 r/w Section 149 of IPC.

3. FIR is registered against accused Nos.1 to 7 on a complaint lodged by one Venkataramu @ Ooty. It is alleged that on 30.12.2023 at about 7.30 p.m., accused No.1 by name Auto Rama along with his associates, committed the murder of first informant's son by name Suresh by assaulting him with deadly weapons.

4. Accused No.1 surrendered before the Court on 09.01.2024 and his voluntary

statement was recorded. It appears that based on his voluntary statement in the subsequent remand applications, other accused are also arrayed as accused and materials against them were collected. However, till 23.01.2024, the petitioner was not named as an accused. In the remand application dated 23.01.2024 it is not forthcoming as to what is the exact role played by the petitioner.

6. Learned High Court Government Pleader has contended that the petitioner is also involved in the commission of the offence and he has instigated other accused persons. However, no sufficient materials are placed on record to substantiate the said contention.

7. Learned counsel for the petitioner has contended that due to political reasons, the petitioner has been falsely implicated. He submits that the petitioner is ready and willing to abide by any conditions.

8. Having perused the entire material placed on record, this Court finds that there are no sufficient materials at this stage to deny the relief sought by the petitioner. Hence, by imposing necessary conditions, the relief sought by the petitioner can be granted. Accordingly, the following:-

ORDER

Petition is allowed.

Petitioner/accused No.21 in crime No.279/2023 of Huliurdurga Police Station shall be released in the event of his arrest, subject to following conditions:-

- i. He shall appear before the Investigation Officer within a period of one week from the date of receipt of a copy of this order and shall execute a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the Jurisdictional Court.
- ii. He shall furnish proof of his residential address and shall inform the I.O/Court, if there is any change in the address.
- iii. He shall not indulge himself in criminal activities.
- iv. He shall not tamper with the prosecution witnesses/evidence in any manner.
- v. He shall appear before the jurisdictional Court on all dates of hearing.