

(2011) 04 KAR CK 0132
In the Karnataka High Court
Case No : Criminal Petition No. 1203 of 2011

Inayat Beig and Munna @ Mohammad Hussian

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (2011) 04 KAR CK 0132

Hon'ble Judges : A.S. Pachhapure, J

Bench : Single Bench

Advocate : B.S. Prasad, for the Appellant; G.M. Srinivasa Reddy, HCGP, for the Respondent

Judgement

A.S. Pachhapure, J.

1.The facts reveal that Accused No. 3 and the deceased were first and second wives of Babulal and at the instigation of the Accused No. 3, it is alleged that on 12.08.2010 at about 11:30 a.m. first Petitioner accompanied by second Petitioner said to have caused assault with the knife on the deceased and caused the death. It is in the circumstances that the Petitioners were arrested and have been in custody.

2. So far as the incident is concerned. Accused No. 1 has caused assault with the knife but except the allegation that the second Petitioner was present with the first Petitioner there is no prima facie participation by the second Petitioner in the incident. in the circumstances I am of the opinion that the second Petitioner has to be granted a bail. So far as Petitioner No. 1 is concerned, there is prima facie material for the offence u/s 302 IPC. No exceptional grounds have been made out to grant the bail. Hence, the petition is partly allowed Request of first Petitioner is rejected. Second Petitioner is ordered to be released on bail on his executing a personal bond for a sum of Rs. 50.000/- with two solvent sureties for the likes urn to the satisfaction, of the Sessions Court with further following conditions:

i) The Petitioner shall attend the Court regularly.

(i) The Petitioner shall not directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.