
(2012) 03 KAR CK 0021

In the Karnataka High Court

Case No : Criminal Petition No. 7291 of 2011

Irappa Shivalingappa Pawadi

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 26-03-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 143, 147, 149, 336, 427

Citation : (2012) 3 KarLJ 495

Hon'ble Judges : C.R. Kumaraswamy, J

Bench : Single Bench

Advocate : Umashankar M.N. and Sri Amit Deshpande, for the Appellant; V.M. Bankar, Additional State Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

C.R. Kumaraswamy, J.—This criminal petition is filed u/s 439 of the Criminal Procedure Code, 1973 by the Advocate for the petitioner praying that this Hon"ble Court may be pleased to release the petitioner on bail in Crime No. 83 of 2010 of Kulagod Police Station, for the offences punishable under Sections 143, 147, 148, 307, 427, 336, 504, 109 read with Section 149 of Indian Penal Code, 1860. I have heard the Learned Counsel for petitioner as well as Learned Counsel for respondent. I have perused the FIR.

2. Objection of learned SPP is filed in this case.

3. The contents of the FIR found in the record discloses that Kulagod Police Station have registered the case in Crime No. 83 of 2010 against the accused 1 to 19 for the offences punishable under Sections 143, 147, 148, 307, 427, 336, 504, 506, 109 read with Section 149 of IPC on the complaint of Shivalingappa Mahabavi. Its contents further discloses that accused belongs to Kuruba Community and the complainant belongs to Lingayath Community and they are elder persons of the village.

4. About few years back, there was a dispute, in connection with General Body Meeting of the Bank. That on 19-5-2010 one Smt. Sarojini Mirji was absent and on behalf of her, her husband Sri Annappa Mirji attended the meeting. Accused 1-Siddappa Adigappa Kamate prevented the Annappa Mirji to participate in the meeting. Thereafter, he returned to his house and brought his wife who was one of the Board of Directors of the Bank. But accused 1-Siddappa Adigappa Kamate prevented the Sarojini Mirji to participate in the meeting since she came late. There was exchange of words between accused 1 and Sarojini Mirji and her husband. This is the motive for the crime. It is alleged in the complaint that at the instigation of Subash Adigappa Kamate and with an intention to kill the complainant and their family members, went to the house of the complainant and damaged the doors and threw stones to their house. The complainant and their family members went inside and locked the door. They also damaged the motor cycle which was parked in front of the house of the complainant. They also damaged the doors of the neighbourers house viz., Muregappa Patil, Siddesh Badigera and Chennamallappa Valli.

5. The petitioner herein is accused 20. His name is not found in the FIR. He subsequently implicated in the crime on the basis of the further statement of C.W. 1. The offences alleged against the petitioner is not punishable with death. Since the petitioner's name was not mentioned in the FIR and subsequently he has been implicated in the crime on the basis of the further statement of charge-sheet witness No. 1, besides none of the charge-sheet witness have sustained injuries, therefore, in my view, the petitioner is entitled for bail at this stage. In the result, I pass the following:

ORDER

This bail petition is allowed conditionally. Petitioner is granted with bail. He shall be released on bail in Crime No. 83 of 2010 on his executing a personal bond for a sum of Rs. 20,000/- with two solvent sureties for the like sum to the satisfaction of the learned Sessions Judge on the following conditions:

1. The petitioner shall not tamper with the prosecution witnesses.
2. He shall not leave the jurisdiction of this Court without obtaining prior permission from this Court.
3. If any condition is violated, bail entails cancellation.