

(2023) 12 KAR CK 0007
In the Karnataka High Court
Case No : Criminal Petition No. 11426 Of 2023

Krishnakumar @ Tailor Kumar

APPELLANT

Vs

State Of Karnataka By Hassan Rural Police Station
Represented By Spl Public Prosecutor High Court Of
Karnataka Bengaluru - 560009

RESPONDENT

Date of Decision : 04-12-2023

Acts Referred:

Indian Penal Code, 1860 — Section 114, 120B, 143, 147, 148, 149, 201, 302
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 12 KAR CK 0007

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Sandeepa .S.H, Rangaswamy .R

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused No.14 in Crime No.194 of 2023 registered by Hassan Rural Police Station, Hassan District for the offences punishable under Sections 143, 147, 148, 120B, 114, 201 and 302 read with Section 149 of IPC, is before this Court under Section 439 Cr.P.C. seeking regular bail.

2. Heard learned counsel for the parties.

3. On the basis of complaint dated 09.08.2023 lodged by Nagegowda, son of Late Ramegowda, FIR in Crime No.194 of 2023 was registered by Hassan Rural Police Station against unknown persons. During the course of investigation, the petitioner herein was arrested and remanded to judicial custody on 12.08.2023. In the remand application, the petitioner was arrayed as accused No.6. The investigation in the case is completed and the charge sheet has been filed. The bail application filed by petitioner in CrI.Misc.No.1100 of 2023 on the file of the V Additional District and Sessions Court, Hassan, was rejected on 21.09.2023.

Therefore, he is before this Court.

4. Learned counsel for the petitioner having re-iterated the grounds urged in the petition submits that, the only allegation made against the petitioner is that he had conspired with accused No.1 for committing the murder of Krishnegowda. Accused Nos.11 to 13 and 17 against whom similar allegations are made in the charge sheet, are granted regular bail by this Court. He accordingly, prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the bail application.

6. FIR in Crime No.194 of 2023 was registered by Hassan Rural Police Station for the offence under Section 302 of IPC against unknown persons. During the course of investigation, the petitioner was arrested and remanded to judicial custody on 12.08.2023. The investigation in the case is completed and the charge sheet has been filed. As per the chargesheet allegations, accused Nos.1, 2, 10 to 17 had borrowed money from the deceased Krishnegowda and they have not repaid the same. Since Krishnegowda was constantly demanding for repayment of the loan borrowed by the aforesaid accused persons, they conspired with other accused persons for committing the murder of Krishnegowda.

7. In furtherance of the said conspiracy, accused Nos.2 to 9 had allegedly assaulted Krishnegowda outside his granite factory on 09.08.2023 at about 1.30 p.m. and committed his murder. The only allegations made against the petitioner herein is that he had conspired with other accused persons to commit the murder of the deceased. Undisputedly, the petitioner was not present in the spot on 09.08.2023, when accused Nos.2 to 9 allegedly assaulted Krishnegowda and murdered him. Accused Nos.11 and 13 against whom similar allegations are found in the charge sheet have been granted regular bail by this court in Criminal Petition No.9697 of 2023 on 02.11.2023, accused No.12 has been granted regular bail in Criminal Petition No.10352 of 2023 on 18.11.2023 and accused No.17 has been granted regular bail in Criminal Petition No.10810 of 2023 on 21.11.2023. In the circumstances, I am of the opinion that the petitioner has made out a case for grant of regular bail. Hence, the following:

ORDER

(i) The Criminal Petition is allowed.

(ii) The petitioner is directed to be enlarged on bail in Crime No.194 of 2023 registered by the Hassan Rural Police Station, for the offences punishable under Sections 143, 147, 148, 120B, 114, 201 and 302 read with Section 149 of IPC, subject to the following conditions:-

a. The petitioner shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the concerned Court;

- b. The petitioner shall not tamper with the prosecution witnesses either directly or indirectly;
- c. The petitioner shall appear before the Trial Court regularly on all dates of hearing unless her presence is dispensed with the Trial Court for valid reasons.
- d. The petitioner shall not leave the jurisdiction of the Court without prior permission from the said Court till the disposal of the case.
- e. The petitioner shall not involve in similar cases in future.