

(2020) 04 KAR CK 0043
In the Karnataka High Court
Case No : Criminal Petition No. 2185 Of 2020

K.T. Raghavendra

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 28-04-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 201, 302, 504
Indian Arms Act, 1959 — Section 25

Citation : (2020) 04 KAR CK 0043

Hon'ble Judges : Sreenivas Harish Kumar, J

Bench : Single Bench

Advocate : N.Ravindranath Kamath, Keshavamurthy

Final Decision : Allowed

Judgement

Sreenivas Harish Kumar, J

1. Heard the petitioner's counsel. Sri Keshava Murthy, the State Public Prosecutor, is absent though his name is shown in the cause list. Learned

counsel for the petitioner submits that he has supplied copies of the petition to Sri Keshava Murthy.

2. The petitioner is charge sheeted for the offences under sections 504, 302, 201 read with section 34 IPC and section 25 of the Indian Arms Act. On

an earlier occasion this court rejected the bail petition of the petitioner by order dated 19.11.2019 in Criminal Petition No. 6946/2019. Thereafter, the

petitioner approached the Hon'ble Supreme Court and as submitted by the petitioner's counsel, the Hon'ble Supreme Court did not

entertain the special leave petition, but granted opportunity to him to move the trial court after charge sheet was filed.

3. Now the charge sheet is filed. Petitioner's counsel submits that he moved

the Sessions Court, Chikkamagaluru, for bail application and the same was not considered by the Sessions Court by observing that extreme urgency to take up the matter during the lock down period has not been made out. Learned counsel submits that the petitioner has developed kidney stones and he has to undergo surgery immediately at Madikeri where the petitioner's wife is staying. His submission is that only for a period of three months bail may be granted to the petitioner so that he will undergo surgery and then move the court for grant of regular bail.

4. Taking into consideration the fact that the petitioner wants to undergo surgery immediately for removal of kidney stones, this petition is considered.

Hence, the following order : -

(a) Petition is allowed. He shall be released on bail for a period of three months by obtaining from him a bond for Rs.2,00,000/- and two sureties for

the likesum to the satisfaction of the Sessions Court, Chikkamagaluru. He is subjected to following conditions : -

(i) During the bail period, he shall not threaten the witnesses and tamper the evidence.

(ii) Immediately after completion of three months period, he shall surrender before the Sessions Court, Chikkamagaluru, on 30.7.2020 and thereafter

he shall be committed to judicial custody.

(iii) The petitioner shall not indulge in any criminal activity.

(iv) Violation of any one of the above conditions will result in automatic cancellation of the bail.

This order may be communicated to the Sessions Court and also to the jail authorities.