

(2017) 05 KAR CK 0001
In the Karnataka High Court
Case No : 3922 of 2017

Kuppanamada Preetham Devaiah S/o late K.N.Devaiah

APPELLANT

Vs

The State of Karnataka Rep. by the Station House Officer
Virajpet Town Police Station

RESPONDENT

Date of Decision : 03-05-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 438](#) - Direction for grant of bail to person apprehending arrest
[Indian Penal Code, 1860](#), [Section 34](#), [Section 3](#)

Citation : (2017) 05 KAR CK 0001

Hon'ble Judges : N.K. Sudhindrarao

Bench : SINGLE BENCH

Advocate : Mahadeva R.K., B.Vishweshwaraiah

Final Decision : Allowed

Judgement

1. This petition is filed by the petitioner herein under Section 438 of Cr.P.C. seeking anticipatory bail apprehending his arrest in Cr.No.29/2017 by the respondent police for the offences punishable under Sections 323, 324, 354, 509, 506, 394 r/w Section 34 of IPC.

2. The substance of the case of the prosecution as reflected in the FIR is that on 12.3.2017 the complainant along with his wife, her sister and parents-in-law were returning home after attending a matrimonial engagement at Virajpet. On their way the petitioner herein along with other accused persons waylaid the complainant's wife and teased them. When the brother-in-law of the complainant Kannambeera Lathish, questioned, the accused persons assaulted said Lathish along with the complainant and his pregnant wife was being pushed. Further the petitioner herein along with other accused persons also misbehaved with the female members, who were with the complainant and threatened them to do away with their lives and in the course of attack, the petitioner herein took away the golden neck chain weighing 30 grams and also a raybon spectacle

belonging to the complainant.

3. Heard the learned counsel for the petitioner and also the learned HCGP for the State. Perused the records.

4. Learned counsel for the petitioner would submit that the petitioners are villagers and a false case is roped against this petitioner along with accused No.2 - namely Annalamada Robin Thimmaiah, and another person namely Karthamada K Chengappa who was not named in the FIR.

5. Learned HCGP submits that the petitioner herein is a habitual offender and he is involved in several criminal cases i.e, in Cr.No.47/2017, Cr.No.37/2015, Cr.No.103/2016 and Cr.No.136/2014 of Srimangala P.S. Hence prays for rejection of the bail application.

6. Learned counsel for the petitioner would submit that the case against the petitioner in the above crime numbers except in Cr.No.61/2012 were ended in acquittal.

7. The learned Sessions Judge, Virajpet has rejected the bail application filed by the petitioner herein under Section 438 of Cr.P.C. on 26/04/2017 in CrI.Misc.No.5022/2017. In the context of the circumstances no prejudice would be caused, if the petitioner is to be granted the discretionary relief of anticipatory bail. However, the apprehension of the prosecution would be resolved by imposing suitable conditions. Accordingly, the following:

ORDER

The petition is allowed. The petitioner is granted anticipatory bail in Cr.No.29/2017 of the respondent-Virajpet Police Station, subject to the following conditions;

i) In the event of his arrest in Cr.No.29/2017 of respondent-Virajpet Town Police Station, the petitioner shall be released on bail, subject to he executing a personal bond for a sum of Rs. 1,00,000/- with one solvent surety for the likesum.

ii) The petitioner shall not terrorize the witnesses or tamper with the prosecution evidence.

iii) The petitioners shall mark his attendance before the concerned I.O. on every Saturday at 9 p.m. till the filing of the final report.