
(2011) 03 KAR CK 0284
In the Karnataka High Court
Case No : Criminal Petition No. 645 of 2011

Mohammad Iqbal and Asif Manzil

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 04-03-2011

Acts Referred:

Citation : (2011) 03 KAR CK 0284

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

Bench : Single Bench

Advocate : S. Vishwajith Shetty and N.K. Shetty, for the Appellant; Raja Subramanya Bhat, HCGP, for the Respondent

Final Decision : Allowed

Judgement

A.S. Pachhapure, J.—It is alleged in the complaint that one Suresh Baliga, a resident of Bantwal, was receiving threatening calls from abroad about 1 1/2 months prior to the incident, demanding ransom of Rs. 2 crores.

2. On the date of the incident i.e., on 01.09.2009 at about 7.40 p.m., 2 unknown persons came on a motorcycle and fired gunshots at the front glass of the showroom of Suresh Baliga and in this regard a complaint came to be registered by the Police and after the investigation, charge-sheet has been filed against the other accused persons. Subsequent to the charge-sheet, further investigation was held, in which the name of the Petitioner was revealed as the person, who helped in supplying arm i.e., revolver/pistol. So, during the subsequent investigation, the Petitioner has been arrested on 10.12.2010 and additional charge sheet was filed.

3. It is the case of the Petitioner that the main accused i.e., accused. No. 3- Abbas has been released on bail and the person who shot the gun was also released on bail. The Petitioner submits that he is innocent and has not committed any offence much less the one alleged against him. He is ready and willing to abide by any condition/s that may be imposed for his release on bail.

4. I have heard the learned Counsel for the Petitioner and also the learned High Court Government Pleader.

5. The perusal of the facts and the complaint reveal the absence of the name of the Petitioner in the complaint and also the first charge sheet that was filed by the Investigating Officer. It is in the subsequent investigation that the name of the Petitioner has been revealed and he was arrayed as an accused in the additional charge sheet as accused No. 7. The main accused, who actually fired with the pistol and proceeded on motorcycle has been released on bail. Even the person, who supplied the arm has been granted the bail. So, considering the principle of parity, I am of the opinion that it is a fit case, wherein the bail has to be granted to the Petitioner as well.

In the result, the petition is allowed. The Petitioner is ordered to be released on bail on his executing a personal band for a sum of Rs. 50,000-00 with one solvent surety for the like sum to the satisfaction of the trial Court with the further following conditions:

- 1) The Petitioner shall appear before the Police concerned, within 10 days from today.
- 2) He 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.
- 3) He shall attend the Court as and when directed.
- 4) He shall appear before the concerned Police Station every Sunday in between 9.00 and 10.00 a.m.
- 5) He shall not leave India without the previous permission of the Court.