

(2022) 11 KAR CK 0008

In the Karnataka High Court

Case No : Writ Petition No. 104591 Of 2022 (GM-RES)

Naganagouda Shivalingappa Patil

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 10-11-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120(B), 201, 302, 506
Karnataka Prison Rules, 1974 — Rule 191

Citation : (2022) 11 KAR CK 0008

Hon'ble Judges : Hemant Chandangoudar, J

Bench : Single Bench

Advocate : Girish M Patil, V.S. Kalasurmath

Final Decision : Allowed

Judgement

Hemant Chandangoudar, J

1. The petitioner-accused No.1 was convicted for the offences punishable under Sections 120(B), 302, 201, 506 R/w. Section 34 of IPC in SC.No.175/2015.

2. This petition is filed by the petitioner-accused No.1 seeking parole on the ground that his mother is suffering from uncontrolled hypertension and diabetes mellitus and it may lead to brain hemorrhage. The petitioner's grievance is that he was in judicial custody for more than three years during the trial and after conviction by this Court, he is in judicial custody till today and because of ill-health of his mother, he is required to attend his mother and take her for further treatment.

3. Learned HCGP appearing for the respondent-State submits that petitioner-accused No.1 was involved in more than two cases. Therefore, he cannot be released on parole under Rule 191 of the Karnataka Prison Rules, 1974 amended by the Karnataka Prison (Amendment) Rules, 2000.

4. Taking into account the medical certificates produced at Annexures-E and E1

and also the petitioner's mother is aged about 85 years, this Court is of the opinion that 15 days parole may be granted. Accordingly, I pass the following:

ORDER

- i) The writ petition is allowed.
- ii) The respondent No.5 is directed to release the petitioner-accused No.1 on parole for a period of 15 days subject to condition that the petitioner shall execute a personal bond for a sum of Rs.1,00,000/-with two sureties for the like sum to the satisfaction of prison authorities.
- iii) The petitioner shall not indulge in any unlawful activities.
- iv) After completion of 15 days from the date of the release, the petitioner shall voluntarily surrender before the respondent No.5.