

(2014) 05 KAR CK 0042

In the Karnataka High Court

Case No : Criminal Petition Nos. 2951 and 2686 of 2014

Nagaraj, Anjinappa @ Driver Anjinappa and Muniraju

APPELLANT

Vs

State
 Narayanaswamy, Aswathanarayana,
Munivenkataswamy and Narayanaswamy Vs State

RESPONDENT

Date of Decision : 15-05-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 114, 143, 147, 148, 149

Citation : (2014) 5 KarLJ 353

Hon'ble Judges : L. Narayana Swamy, J

Bench : Single Bench

Advocate : H.V. Praveen Gowda, Advocate in Criminal Petition Nos. 2951 and 2696 of 2014 and Sri. Bopanna B., Advocate for BPDS Assts., Advocates in Criminal Petition No. 2686 of 2014, Advocate for the Appellant; Nasrulla Khan, HCGP, Advocate for the Respondent

Final Decision : Allowed

Judgement

L. Narayana Swamy, J.—The petitioners are arrayed as accused in Crime No. 66/2014 registered by Avalahally Police Station, Hosakote Circle, Bangalore. CrI.P. No. 2951/2014 is filed by accused 2, 3, 6 and 8 and CrI.P. No. 2696/2014 is filed by accused No. 1 seeking anticipatory bail. CrI.P. No. 2686/2014 is filed by accused 4, 9 and 10 seeking bail u/s 439 of Cr.P.C.

2. The complainant has filed I.As. 1/14 in CrI.P. Nos. 2686/2014 and 2696/2014, seeking permission to assist the prosecution. The applications are allowed and learned counsel for the complainant is permitted to assist the prosecution.

3. The learned counsel for petitioners submitted that there were civil disputes between the complainant and accused persons. It is submitted that the petitioner in CrI.P. No. 2696/2014 (accused No. 1) and his family members had filed a suit in O.S. No. 1231/2005 seeking permanent injunction, against one A. Bathegowda, who happens to be the brother of Local Inspector M. Srinivas. The

suit came to be decreed.

4. The learned counsel for the petitioners submitted that the petitioners had filed a compliant registered in crime No. 61/2014 against the present complainants. But the jurisdictional police had not taken any action. The complainant filed the complaint registered in Crime No. 66/2014 for the offences punishable under Sections 506, 341, 504, 143, 147, 148, 149, 307, 324, 114 IPC. As it is submitted, there was a civil dispute between the parties, several suits have been filed and the parties are agitating for their rights. O.S. No. 1231/2005 c/w O.S. No. 1245/2005 and O.S. No. 276/2005 had been filed on the file of Principal II Civil Judge (Jr. Dn.), Bangalore Rural District, Bangalore, seeking relief of permanent injunction. It is clear that, cases and counter cases are filed against each parties. The petitioners had filed a complaint on 1.3.2014 to the Director General of Police, Inspector General of Police, Superintendent of Police, Bangalore Rural Division, Inspector General of Police, Human Rights Commission and Hon'ble Home Minister, Government of Karnataka, requesting to take action against Sub-Inspector who has aided the victims in the present case.

5. The learned counsel for petitioners submits that a false complaint has been filed against the petitioners. In order to substantiate the same, learned counsel for accused No. 1 has produced inquisition case sheet issued by the Government Hospital, Gowribidanur, which shows that he got admitted on 11.3.2014 and discharged on 15.3.2014. When such being the case, the allegations against accused No. 1 that he participated in the alleged offence, is false. The learned counsel submitted that Mr. Likith Kumar S, the son of accused No. 1 is also arrayed as an accused, whereas, he had attended his classes on the said dated. In order to substantiate the same, he has produced attendance status of Likith Kumar S, dated 1.4.2014 issued by NVJ College of Engineering, Bengalooru. It is submitted that Likith Kumar S. has been granted anticipatory bail. The learned counsel for the petitioners submitted that the injuries suffered by the victim are not grievous in nature and he has been discharged from hospital. Therefore, it is submitted that the petitioners have been falsely implicated. It is submitted that accused 4, 9 and 10 are in judicial custody for the last three months. Hence, it is submitted to allow these petitions.

6. The learned Government Pleader opposed the same and submitted that matter is still under investigation and if the petitioners are granted benefit of bail, they may obstruct the investigation. The learned counsel for complainant who had sought for permission to assist prosecution by filing I.A. No. 1/14, has produced photographs of victim to prove the nature of injury caused by using deadly weapons, namely chopper and long. Hence, it is submitted to dismiss the petitions.

7. I have heard learned counsel for the parties. I have gone through the material placed before me. It is seen from the material available that the petitioners herein had filed crime No. 61/2014. When no action was taken in this regard, the victims also filed a complaint registered in Crime No. 66/2014 in which arrest has

been made and investigation is under progress. The complaint filed by the petitioners has been ignored by the jurisdictional police, whereas, the complaint filed by the victim has been investigated. Therefore, it is submitted that a false complaint has been filed against the petitioners. The learned counsel for petitioners have also produced material to show that there are civil disputes between the parties. Notwithstanding all these materials, namely, wound certificate and photographs which shows that the victim has suffered grievous injuries, by taking note that there are civil disputes between the parties and considering the facts and circumstances of the case, I feel it appropriate to allow the petitions. Accordingly, the following:

ORDER

1. Petitions are allowed.
2. The petitioners in Crl.P. No. 2686/2014 (accused 4, 9 and 10) are directed to be released on bail on their executing a personal bond for a sum of Rs. 25,000/- (Twenty Five Thousand Rupees Only) each, with two solvent sureties for the likesum to the satisfaction of the Court below.
3. The petitioners in Crl.P. Nos. 2951/2014 and 2696/2014 (accused 1, 2, 3, 6 and 8) are directed to be released on bail, in the event of their arrest by jurisdictional police in Crime No. 66/2014, on executing a personal bond for a sum of Rs. 25,000/- (Twenty Five Thousand Rupees Only) each, with two solvent sureties for the likesum to the satisfaction of the Court below.
4. The petitioners shall mark their attendance before the jurisdictional police once in a week between 10.30 a.m. to 5.30 p.m. till the disposal of the case.
5. The petitioners shall not tamper with the prosecution witnesses in any manner.
6. The petitioners shall not leave the jurisdiction of the Court below without prior permission.
7. The petitioners failing to comply any of the above conditions shall entail for cancellation of the bail.