
(2013) 01 KAR CK 0055
In the Karnataka High Court
Case No : Criminal Petition No. 87 of 2013

Nellira Kavan and Nellira Saran	Vs	APPELLANT
The State of Karnataka		RESPONDENT

Date of Decision : 07-01-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 307

Citation : (2013) 2 KCCR 1174

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

Bench : Single Bench

Advocate : H.N. Prakash, for the Appellant; Satish R. Girji, HCGP, for the Respondent

Final Decision : Allowed

Judgement

A.S. Pachhapure

1. The petitioners have approached this Court seeking regular bail having been arrested in Crime No. 49/2012 registered for the offence u/s 307 and other offences for lesser sentence under the provisions of the IPC. The facts reveal that on 12.9.2012 when the petitioners who are accused Nos. 4 and 5 were proceeding with other accused in two cars, it is alleged that the injured made an effort to cause an accident and enraged by the said act of the injured, accused Nos. 1 and 2 said to have assaulted the injured with hockey stick, whereas the petitioners held them. In the circumstances, a complaint came to be registered for the aforesaid offences.

2. The counsel for the petitioners submits that prima facie there is no material for the offences u/s 307 IPC and that the petitioners would attend the court and also the Investigating Officer whenever necessary. On these grounds he has sought for grant of bail.

3. The learned High Court Government Pleader has opposed the application.

4. Consideration the allegations that there was an assault by accused Nos. 1 and 2 with the hockey stick on the injured and the only allegation against the petitioners is that they held the injured at the time of the assault, I think it is a case where the bail has to be considered, as there is possibility of securing the petitioners for investigation and also the trial. In the result, the petition is allowed. The petitioners are ordered to be released on bail on their executing a personal bond for Rs. 50,000/- each with two solvent sureties each for the likesum to the satisfaction of the trial court with the further following conditions:

i) That the petitioners shall attend the police station on every Sunday in between 10.00 a.m. and 11.00 a.m. until the charge sheet is filed.

ii) They 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

iii) They shall attend the Court as and when directed.