
(2017) 04 KAR CK 0045
In the Karnataka High Court
Case No : 525 of 2017

PETER MESSEE @ ROHITH MESSEE

APPELLANT

Vs

THE STATE OF KARNATAKA

RESPONDENT

Date of Decision : 07-04-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 302](#),
[Section 201](#), [Section 149](#), [Section 118](#), [Section 364\(a\)](#) -
Punishment for murder - Causing dis

Citation : (2017) 04 KAR CK 0045

Hon'ble Judges : Rathnakala

Bench : SINGLE BENCH

Advocate : TOMY SEBASTIAN, ?MUZAFFAR AHMED, B. J. ESHWARAPPA

Final Decision : Allowed

Judgement

1. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State.

The respondent-police have charge-sheeted the petitioner (accused No.1) and six others in their Crime No.338/2013 in respect of offences punishable under Sections 364(a), 302, 201, 118 r/w Section 149 of IPC.

2. The prosecution case is, in pursuance of conspiracy between accused Nos.1 and 2, they took a room on rent in the building belonging to CW2 and paid advance amount of Rs.2,000/- on 17.11.2013. Accused

No.3 was made to wait in the said room for the victim. Accused No.1 persuaded the deceased to come with him to the room and traveled with him in the TVS Scooty Streak vehicle as a pillion rider. The deceased was taken into the room and demanded for ransom. Since the deceased refused, he was strangled with cable wires and done to death. Thereafter, they disappeared with the scooty of the deceased leaving behind the dead body in a plastic bag in the room. The offence came to light only on 21.11.2013.

3. The scooty on which the deceased had traveled is seized from the possession of accused No.2 and he is enlarged on bail by the order of this Court in Crl.P.No.2209/2016 and connected case. The case of the prosecution rests on the circumstantial evidence. The security guard of the building is said to have last seen the deceased on the evening of 19.11.2013 at 4.00 p.m. while he came near the building. No other incriminating material is seized from the possession of the petitioner. As per the submission at bar, so far charge is not framed since the matter is stayed in the revision petition filed by the co-accused before this Court.

4. In the above circumstances, there is no impediment to allow the petition.

5. Accordingly, petition is allowed. The petitioner is enlarged on bail in Crime No.338/2013 registered by the respondent-Police, subject to following conditions:

(i) He shall execute a self bond for a sum of Rs.2,00,000/- with two local

sureties for the likesum to the satisfaction of the concerned Court. The sureties shall produce their Aadhar Card/Identity Card and the original title deed pertaining to their immovable property for perusal of the Court. The sureties shall not have the history of offering surety to the accused persons of any other criminal case.

(ii) He shall attend the Court on all hearing dates regularly and punctually;

(iii) He shall not tamper the prosecution witnesses;