

(2013) 11 KAR CK 0285
In the Karnataka High Court
Case No : Criminal P. No. 6431 of 2013

Praveen @ Kabadi Praveen

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 05-11-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 143, 147, 148, 323, 504

Citation : (2014) 1 AKR 341

Hon'ble Judges : H.S. Kempanna, J

Bench : Single Bench

Advocate : Ganesh Shet H, for the Appellant; B. Visweswaraiah, HCGP, for the Respondent

Final Decision : Allowed

Judgement

H.S. Kempanna, J.—The petitioner, who is arrayed as accused No. 5 in Crime No. 210/2013 on the file of Rajajinagar Police Station, Bangalore City, registered for the offences punishable under Sections 143, 147, 148, 323, 324, 342, 504, 506, 364(a), r/w. 149 of IPC, is before this Court seeking for grant of regular bail. The respondent police on the complaint of one Sri. E. Harish S/o. Late Eshwar Naidu, a resident of Manjunathnagar, Bangalore City have registered the above case initially against this petitioner and 8 others and have taken up investigation.

2. It is alleged among other things in the complaint that on 7.9.2013 at about 9.00 p.m. accused No. 1 requested the complainant to come and wish him on his birthday by contacting him over telephone. Accordingly, the complainant came near E.S.I. Hospital, Rajajinagar when the complainant came to the said place at about 10.45 p.m. and wished accused No. 1 on his birthday, accused No. 1 requested him to sit in the Tata Sumo Car which was with him. Thereafter he took the complainant in the said car along with three others, who were in the same car towards Ring Road via Manjunathanagar and on the way three more persons boarded the car. The complainant suspecting them raised cries but he was over powered by gagging his mouth. Thereafter he was sprayed on his eyes

and assaulted on his face with hands. They also directed him to get a sum of Rs. 1,00,000/- as otherwise he would be finished off. On account of the act committed on him, he became unconscious and when he regained the conscious on 8.9.2013 they were near a Government School near Mysore and at the said place again the accused directed him to secure Rs. 1,00,000/- by assaulting him with hands and threatened him with dire consequences, thereafter they brought him near a tank, assaulted him with knife on his both thighs, head with stones and directed him to get the money near Pushpanjali Theatre and hand over the same to a boy sent by A1. Accordingly, an amount of Rs. 3,50,000/- was sent by his mother which was received by the person, who was sent by A1 and thereafter on 9.9.2013 at about 10.00 a.m. he was set free by sending him in an auto rickshaw. The respondent police during the course of investigation arrested this petitioner and since then he is in custody.

3. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the case at the behest of persons, who are ill-disposed towards him. He has never committed any offence. No recoveries have been made at the instance of this petitioner. He is in custody since 15.9.2013. As he is no more required for the purposes of investigation, he be released on bail.

4. Per contra, the learned HCGP vehemently opposed the application filed by the petitioner.

5. It is the case of the prosecution that this petitioner along with 10 others on 7.9.2013 had kidnapped the complainant in the car of accused No. 1 from near ESI Hospital, Rajajinagar. Thereafter they assaulted him by gagging his mouth asking him to get money and took him near Government School situated near Mysore and at the said place again they assaulted him with hands and directed him to get a sum of Rs. 10,00,000/-. Thereafter they brought him near a tank assaulted him with stone on his head, caused him injuries and ultimately as per their direction his mother sent a sum of Rs. 3,50,000/- near Pushpanjali Theatre, which was received by a person who was sent by accused No. 1 and thereafter the complainant was set free on 9.9.2013 at 10.00 a.m. The allegations in the complaint do not reveal the specific overt act as against this petitioner. No recoveries are also made at the instance of this petitioner. He is in custody since 15.9.2013. He is no more required for the purpose of investigation. Taking all these factors into consideration, in the circumstances, I do not find any justification to decline the request of the petitioner. Accordingly, I proceed to pass the following:

ORDER

The petition is allowed. The petitioner is ordered to be released on bail on his executing a personal bond in a sum of Rs. 30,000/- with one surety for the like sum to the satisfaction of the Jurisdictional Magistrate subject to the following conditions:-

a) He shall not tamper with the prosecution witnesses.

b) He shall mark his attendance before the respondent-Police on ever Sunday between 11.00 am. and 3.00 p.m. till the conclusion of the investigation in the case.