
(2014) 02 KAR CK 0309
In the Karnataka High Court
Case No : Criminal Petition No. 100/2014

Ravi @ Dundaravi and Manja @ Panipuri Manja	APPELLANT
Vs	
State of Karnataka	RESPONDENT

Date of Decision : 04-02-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 143, 147, 149, 307, 341

Citation : (2014) 02 KAR CK 0309

Hon'ble Judges : Budihal R.B., J

Bench : Single Bench

Advocate : Chethan. B, Advocate for the Appellant; K. Nageshwarappa, HCGP, Advocate for the Respondent

Final Decision : Allowed

Judgement

Budihal R.B., J.—This is the petition filed by the petitioners-accused Nos. 6 and 3 u/s 439 of Cr.P.C. seeking their release on bail of the offences punishable under Sections 143, 147, 341, 307, 506 r/w. Section 149 of IPC registered by the respondent-police in Crime No. 132/2013.

2. The brief facts of the prosecution case as per the averment in the complaint that one Manorajan. V lodged the complaint on 12-07-2013 at 6.30 p.m. alleging that on 11-07-2013 around 8.30 p.m. when the complainant, who is the Auto Driver after dropping the passenger near Ganapathi Temple at Ganeshnagar, at that time about 7-8 persons stopped his Auto and among them accused No. 1- Prassana Kumar suddenly assaulted the complainant with iron rod saying that the complainant's brother has assaulted him and by saying so with an intention to kill him. Thereafter, all the accused assaulted the complainant causing grievous bleeding injuries on him and thereby accused persons have attempted to kill him. On the basis of the complaint, case has been registered against the persons arrayed as petitioners-accused Nos. 6 and 3 respectively.

3. Heard the learned counsel appearing for the petitioners and also the learned

High Court Government Pleader for the respondent-State.

4. I have perused the averments made in the bail petition, FIR, complaint and order passed by the lower Court on the bail application and also perused the other charge sheet materials.

5. So far as the allegation against these petitioners are concerned that accused No. 3 assaulted the deceased with pipe on the left hand and accused No. 6 assaulted the injured on his left hand with wooden stick and thereby caused the injuries. As it is submitted by both the sides that the injured also discharged from the hospital and his condition is safe. I have also perused the wound certificate issued from the concerned hospital. There are two injuries mentioned both are lacerated wound and it is mentioned by the doctor that injury No. 2 is of grievous in nature and injury No. 1 is of simple in nature. Now the investigation of the case is already completed and charge sheet has been filed in the matter. The offences alleged are not exclusively punishable with death or imprisonment for life. Perusing the averments made in the bail petition, it is the contention of the petitioners that they are innocent and they are not at all involved in the case and they are ready to abide by any reasonable conditions to be imposed by this Court. It is also submitted by the learned counsel appearing for the petitioners that accused No. 5-Vinay is already granted with bail by the order of this Court and he has produced the copy of the said order passed in CrI. P. No. 7269/2013 dated 31-12-2013. Therefore, looking to all these materials on record, I am of the opinion that it is a fit case to exercise the discretion in favour of the petitioner.

6. Accordingly, petition is allowed. The petitioners-accused Nos. 6 and 3 are ordered to be released on bail for the offences punishable under Sections 143, 147, 341, 307, 506 r/w. Section 149 of IPC registered by the respondent-police in Crime No. 132/2013, subject to the following conditions:

(i) The petitioners shall execute a personal bond for a sum of Rs. 50,000/- each (Rupees Fifty Thousand only) with one solvent surety for the likesum to the satisfaction of the concerned Court;

(ii) The petitioners shall not directly or indirectly tamper with any of the prosecution witnesses;

(iii) The petitioners shall appear before the concerned Court regularly.