

(2024) 07 KAR CK 0044
In the Karnataka High Court
Case No : Criminal Petition No. 6421 Of 2024

Ravikumar

APPELLANT

Vs

State Of Karnataka By Thirumani Police Station, Represented
By The State Public Prosecutor, High Court Buildings,
Bengaluru - 560001

RESPONDENT

Date of Decision : 18-07-2024

Acts Referred:

Citation : (2024) 07 KAR CK 0044

Hon'ble Judges : H.P. Sandesh, J

Bench : Single Bench

Advocate : A.N. Radha Krishna, Rashmi Jadhav

Final Decision : Dismissed

Judgement

H.P. Sandesh, J

1. Heard the learned counsel for the petitioner and the learned Additional SPP appearing for the respondent/State.
2. This petitioner had earlier approached this Court by filing CrI.P.No.4499/2023 and the same was rejected on 14.06.2023 and liberty was given to the petitioner to approach this Court after examination of C.W.9 and C.W.10.
3. The learned counsel for the petitioner submits that C.W.10 has completely turned hostile and C.W.9 says about both of them proceeded in the motorcycle, but not along with the deceased and his evidence cannot be relied upon. The learned counsel submits that the case is rest upon the circumstantial evidence and this petitioner is in custody from 2021 and hence he may be enlarged on bail.
4. Per contra, the learned Additional SPP submits that recovery is made at the instance of the petitioner i.e., machete and in terms of the FSL report, the same is stained with blood and FSL report is positive. Unless the recovery witnesses and the FSL witnesses are examined, the petitioner cannot be enlarged on bail.

5. Having heard the learned counsel for the petitioner and the learned Additional SPP, a specific allegation is made against this petitioner that he inflicted injuries with iron rod and machete and this Court also observed the same in paragraph No.6 of its earlier order. No doubt, this Court granted liberty to the petitioner to approach this Court after examination of C.W.9 and C.W.10. Now C.W.9 and C.W.10 have been examined and C.W.9 has supported the case of the prosecution and C.W.10 has not supported the case of the prosecution. The learned Additional SPP brought to the notice of this Court that recovery is made at the instance of this petitioner and recovery witnesses are not examined and FSL report is positive and FSL witnesses have not been examined and hence merely because this petitioner is in custody from 2021, as contended by the learned counsel for petitioner, the petitioner cannot be enlarged on bail, unless the recovery witnesses with regard to the recovery of weapon which was used for committing the alleged murder, are examined and FSL witnesses are examined, the question of enlarging the petitioner on bail by exercising the discretion does not arise. Hence, I do not find any ground to enlarge the petitioner on bail.

6. In view of the discussions made above, I pass the following:

ORDER

The criminal petition is rejected. The petitioner is given liberty to approach this Court after examination of the recovery witnesses and FSL witnesses.