

(2017) 03 KAR CK 0184
In the Karnataka High Court
Case No : 200292 of 2017

Rudrappa Bhovi, & Ors.

APPELLANT

Vs

The State of Karnataka (Through SHO Lingasugur P.S)
Represented by Addl. State Public Prosecutor High Court of
Karnataka

RESPONDENT

Date of Decision : 10-03-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 438](#) - Direction for grant of bail to person apprehending arrest
[Indian Penal Code, 1860](#), [Section 147](#),
[Section 324](#)

Citation : (2017) 03 KAR CK 0184

Hon'ble Judges : B. A. Patil

Bench : SINGLE BENCH

Advocate : Ambika Chowdapur, Ishwar Raj S. Chowdapurkar, P.S. Patil

Final Decision : Allowed

Judgement

1. This petition is filed by the petitioner/accused Nos.1, 4, 5 and 6 under Section 438 of Cr.P.C., seeking anticipatory bail in Crime No.13/2017 of Lingasugur Police Station, Raichur, registered for the offences punishable under Sections 143, 147, 504, 148, 323, 324, 326, 307 r/w 149 of IPC.

2. Brief facts leading to filing of the complaint are that, complainant and accused persons are neighbours. Accused persons used to talk about the character of the complainant's wife. In that background, on 09.01.2017 at about 8:00 a.m. complainant, his brother-in-law went to the house of the accused so as to question the accused, what they have seen and why they are talking about the character of his wife. When they went, accused persons by constituting unlawful assembly abused in filthy language, thereafter they assaulted with rod, axe with an intention to take away the life of the complainant, caused the bleeding injuries and thereafter they also threatened to their lives. On the basis of the complaint, a case was registered against the accused persons.

3. Heard the arguments of the learned counsel for the petitioner and learned High Court Government Pleader appearing for respondent-State.

4. The main grounds urged by the learned counsel for the petitioners are that petitioners are innocent and they have been falsely implicated in this case and they are apprehending arrest, as the police are visiting frequently the house of the accused. She has also contended that because of the earlier animosity, the complainant has falsely implicated the accused- petitioners in this case. She has also contended that already accused Nos.2 and 3 have been released on bail and the alleged offences are not punishable with death or imprisonment for life. She has also contended that the injured persons have already been discharged from the hospital and they are out of danger. As such, petitioners also entitled to be enlarged on bail. On these grounds, she prays for allowing the petition.

5. On the contrary, learned High Court Government Pleader appearing for the respondent-State vehemently contended that when the complainant and his brother-in-law came, accused-petitioners by constituting unlawful assembly have assaulted and threatened their lives and they have also caused grievous injuries so as to take away the life of the complainant. He has further contended that accused- petitioners are highly influenceable persons, at this juncture, if the petitioners are released on bail, there is likelihood of they being absconded and they may not be available for the trial and investigation is still pending. On these grounds, he prays for dismissal of the petition.

6. I have perused the FIR, complaint and other materials produced along with the petition and also the grounds urged in the bail petition. On going through the contents of the complaint and other materials it discloses that there was some animosity between the complainant and the accused persons and even the accused persons used to tease and talk about the character of the wife of the complainant. Be that as it may the records disclose that the alleged offences are not punishable with death or imprisonment for life. Even both counsels submitted that the injured have been discharged from the hospital and are out of danger. When there are no serious allegations against accused-petitioners, they are ready to abide by the conditions to be imposed by this Court and ready to offer sureties, I feel if the accused-petitioners are released on bail, by imposing stringent conditions, it would meet the ends of justice.

For the aforementioned reasons, the petition is allowed.

The respondent-Police are hereby directed to release the petitioner/accused Nos.1, 4, 5 and 6 on bail, in the event of their arrest, for the above said offences, subject to the following conditions :-

- i. The petitioners shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) each with two solvent sureties each for the likesum to the satisfaction of the arresting authority.
- ii. The petitioners shall not tamper with any of the prosecution witnesses directly

or indirectly.

iii. The petitioners shall appear before the investigating officer as and when required and co-operate for investigation.

iv. The petitioners shall mark their attendance before the Investigating Officer once in fortnight;

v. The petitioners shall appear before the jurisdictional Court and execute personal bonds, surety bonds and furnish sureties within thirty days from the date of receipt of certified copy of this order.