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**(2010) 12 KAR CK 0090**  
**In the Karnataka High Court**  
**Case No : Criminal Petition No. 5793 of 2010**

S. Prakash

APPELLANT

Vs

State of Karnataka

RESPONDENT

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**Date of Decision :** 30-12-2010

**Acts Referred:**

**Citation :** (2010) 12 KAR CK 0090

**Hon'ble Judges :** A.N. Venugopala Gowda, J

**Bench :** Single Bench

**Advocate :** K.J. Gopi and Associates, for the Appellant; N.S. Sampangiramaiah, HCGP, for the Respondent

**Final Decision :** Allowed

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## Judgement

A.N. Venugopala Gowda, J.—The Petitioner in Cri.P No 5793/2010 is accused No. 2 and the Petitioners in Cri.P No. 6092/2010 are accused Nos. 1 & 3 respectively in Crime No. 261/2010, registered by Chandra Layout Police Station, Bangalore, pending on the file of 8th Addl. Chief Metropolitan Magistrate Court, Bangalore. The case was registered for the offences u/s 307 read with 34 of I.P.C on a complaint lodged by Smt. Hema Nagendra, wherein, it was alleged that, her brother-in-law was assaulted and the assailants attempted to murder her brother-in-law by causing grievous head injury. The allegations in the complaint would indicate that, there was a scuffle and the complainant's brother-in-law having been assaulted, sustained injuries.

2. The incident appears to have taken place all of a sudden and in a fit of anger. The complaint does not indicate that, there was a pre-planned act on the part of accused persons to grievously injure her brother-in-law.

3. The allegations in the complaint when perused and the materials as of now, prima facie does not make out a case u/s of 307I.P.C.

4. The complaint when perused, appears to make out an overtact against accused No. 1 - Yuvaraja, S/o. Hanumanthappa. The accused No. 1 is a student

of MBA course. The name of accused Nos. 2 & 3 does not appear in the complaint. The injured person having been treated for the injuries has been discharged from the hospital. There are no injuries to vital parts of the body of the injured person. In the matter of trivial issue regarding parking of the car, on account of exchange of words, in a fit of anger, the incident in question has taken place.

5. Keeping in view the case sought to be projected against the Petitioners if were to be accepted, may not end up in imposition of punishment beyond seven years. The Petitioners are permanent residents of Bangalore City, In the circumstances of the case, there does not appear to be any chance of tampering of witnesses nor any threat to the complainant. The Petitioners can be put on terms subject to the observance of which they can have the benefit of bail.

6. Having regard to the facts and circumstances of the case, the Petitioners are entitled to be admitted to bail, subject to their furnishing personal bonds in a sum of ` 2,00,000/- each with two sureties for the like amount to the satisfaction of the trial court and subject to the following conditions;

- i. that the Petitioners shall make themselves available, as and when required by the Investigating Officer, for the purpose of investigation between 10:00 a.m. & 5:00 p.m. on any day,
- ii. that the Petitioners shall deposit with the Investigation Officer the passports, if any, held by them,
- iii. that the Petitioners shall not leave the local limits of Karnataka without the prior permission of the trial court,
- iv. that the Petitioners shall not tamper with the prosecution witnesses or the evidence, in any manner.

In case the Petitioners do not co-operate or attend as and when required by the Investigation Officer or violate any of the conditions, it is open to the Investigation Officer to move the trial court for cancellation of bail.

The petitions stand allowed accordingly.