

(2023) 08 KAR CK 0007
In the Karnataka High Court
Case No : Criminal Petition No. 2058 Of 2023

Sathyanarayana C @ Sathya @ Rx & Others

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 04-08-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 143, 149, 307, 326, 341, 384, 504, 506, 511

Citation : (2023) 08 KAR CK 0007

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Raksha Keerthana K, S. Vishwa Murthy

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Petitioners, who are accused Nos.1 to 3 in Crime No.192/2022 registered by Srirangapatna Police Station, Mandya for the offences punishable under Sections 143, 120B, 341, 307, 326, 384, 504, 506, 511 read with Section 149 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC' for short) are before this Court seeking regular bail.

2. Heard the learned counsel for the parties.

3. On the basis of complaint lodged by one Gangadhar P., Srirangapatna Police have registered FIR in Crime No.192/2022 against petitioners and others for the aforesaid offences. The petitioners were arrested on 17.11.2022 in the said case. Investigation is completed and charge sheet has been already filed. In the charge sheet it is alleged that on 14.10.2022 at about 9.00 a.m., when CW.1, was riding his two wheeler, the accused persons stopped him and when he tried to escape, accused No.2 allegedly assaulted him with his knife. The bail application filed by the petitioners herein in CrI. Misc. No.5493/2022 before the III Additional District and Sessions Judge, Mandya (Sitting at Srirangapatna) was rejected on 07.01.2023. Under these circumstances, the petitioners are before

this Court.

4. Learned counsel for the petitioners reiterating the grounds urged in the petition submits that accused Nos.4 to 9 have been released on bail by this Court. She also submits that the injury suffered by the complainant is simple in nature and therefore, she prays to allow the petition.

5. Per Contra, the learned HCGP has opposed the bail application contending that the petitioners are habitual offenders.

6. On perusal of the materials on record it is seen that the allegation of assault is only as against accused No.2 with the knife. Insofar as other accused are concerned, there is no allegation of assault using any weapon. The investigation is completed and the charge sheet has been filed. It is not in dispute that the complainant has suffered only simple injuries in the incident. The bail applications of accused Nos.4 to 9 has been allowed by this Court in Crl. P. Nos.193/2023, 853/2023 and 3575/2023 respectively.

7. Petitioners are in custody since 17.11.2022. Under these circumstances, I am of the view that the petitioners' prayer for grant of regular bail can be considered subject to imposing stringent conditions. Accordingly, the following:

ORDER

The Criminal Petition is allowed.

The petitioners/accused Nos.1 to 3 are directed to be enlarged on bail in Crime No.192/2022 of Srirangapatna Police Station registered for the offences punishable under Sections 143, 120B, 341, 307, 326, 384, 504, 506, 511 read with Section 149, subject to the following conditions:

- a) Petitioners/accused Nos.1 to 3 shall execute personal bond for a sum of Rs.1,00,000 (Rupees One Lakhs only) each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioners/accused Nos.1 to 3 shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;
- c) The petitioners/accused Nos.1 to 3 shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioners/accused Nos.1 to 3 shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.
- e) The petitioners/accused Nos.1 to 3 shall not involve themselves in any other crime in future.

In the event, petitioners violate any one of the conditions; the State is at liberty to file necessary application for cancellation of bail.