

(2012) 04 KAR CK 0098
In the Karnataka High Court
Case No : Criminal Petition No. 1914 of 2012

Sri. Dodda Thammaiah and Others

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 20-04-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 324, 353

Citation : (2012) 04 KAR CK 0098

Hon'ble Judges : K.N. Keshavanarayana, J

Bench : Single Bench

Advocate : J.D. Kashinath Janani, for the Appellant; Satish R. Girji, Government Pleader, for the Respondent

Final Decision : Allowed

Judgement

K.N. Keshavanarayana

1. The petitioners who have been arraigned as accused Nos. 2 to 6, in Crime No. 16/ 2012 of Chandrashekharpura Police Station, Gubbi Taluk, Tumkur District, apprehending their arrest by the respondent - Police in connection with the said case, have presented this petition u/s 438 of the Code of Criminal Procedure seeking relief of anticipatory bail. According to the prosecution, on the basis of the complaint lodged by one S.N.Boregowda. Section Officer, B.E.S.C.O.M.. Chandrashekharpura at about 10:30 p.m. on 18.03.2022, the aforesaid case came to be registered and the investigation was taken up. The allegations made in the complaint are that on 18.03.2012 at about 05:30 p.m. when complainant along with other staffs of B.E.S.C.O.M. went near 100 KVA transformer in front of KG.Temple. Primary School, to undertake some repair work there, noticed some device fixed to draw unauthorised electricity and when they were attempting to remove the same, these petitioners and others being residents of Chandrashekharpura, came there in a group, picked up quarrel with the complainant, abused him in filthy language, threatened him with dire

consequences if he removes device fixed for drawing electricity, assaulted him and other staffs by hands and thereby prevented the public servants from discharging their duty.

2. On coming to know of the registration of the case., the petitioners approached the learned Sessions Judge. Tumkur, seeking relief of anticipatory bail. However, the said petition came to be rejected. Therefore, the petitioners are before this Court.

3. The petition is opposed by the respondent -State.

4. I have heard both sides. Perused the records made available.

5. In view of the fact that the petitioners have been arraigned as accused Nos. 2 to 6, the case registered by the respondent - Police for non-bailable offences, the apprehension of the petitioners that they are likely to be arrested is well founded.

6. Reading of the complaint lodged by S.N.Boregowda, though indicate, that there was some incident of quarrel in Chandrashekharpura at about 05:30 p.m. or 06:00 p.m. on 18.03/2012, when he and other staff of B.E.S.C.O.M. went there to undertake repair work, at this stage there are no reasonable grounds to believe that the petitioners are guilty of the offences punishable under Sections 324 and 353 of the Indian Penal Code, which are non-bailable offences. None of the offences alleged is punishable with death or life imprisonment. The petitioners are stated to be the residents of Chandrashekharpura and are agriculturists by profession.

7. Having regard to the facts and circumstances of the case, this Court is of the considered opinion that these petitioners are entitled for the relief of anticipatory bail. Hence, the petition is allowed. The respondent - Police are hereby directed to release the petitioners on bail, in the event of their arrest in connection with the case in Crime No. 16/2012 of Chandrashekharpura Police Station, on each of them executing personal bond for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the Investigating Officer and subject to further conditions that,

i) Upon such arrest and release, the petitioners for the purpose of investigation shall appear before the Investigating Officer whenever called upon to do so and co-operate in the investigation of the case.

ii) The petitioners shall not tamper or terrorise the prosecution witnesses in any manner,

iii) The petitioner shall not indulge in any acts similar to the one alleged in the case.