

(2011) 02 KAR CK 0137
In the Karnataka High Court
Case No : Criminal Petition No. 5604 of 2010

Sri. Jayaram Jayanagara

APPELLANT

Vs

Mr. K.R. Gururanga and State of Karnataka

RESPONDENT

Date of Decision : 03-02-2011

Acts Referred:

Citation : (2011) 02 KAR CK 0137

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : Bichkal Venkat and A.G. Gururaja, for the Appellant; K. Appa Rao, K. Dhiraj Kumar for R1 and P.M. Nawaz, Addl. SPP for R2, for the Respondent

Final Decision : Allowed

Judgement

V. Jagannathan, J.—Heard the petition filed by the complainant seeking cancellation of bail granted to the 1st Respondent by this Court earlier.

2. Submission of the Petitioner's Counsel is that, this Court granted bail to the 1st Respondent on 12.10.10 in CrI.P. No. 5008/10 and the said bail order was obtained by the 1st Respondent by suppressing the material facts namely, the rejection of bail application filed by the very same Respondent earlier and even in the bail application, no mention was made about the rejection of earlier bail petitions. Therefore, the 1st Respondent having suppressed the said facts was not entitled for bail at the hands of this Court. In this regard, learned Counsel referred to the various petitions, which were filed earlier and rejection by this Court.

3. Learned Addl. SPP for the State has endorsed the arguments addressed by the Petitioner's Counsel.

4. On the other hand, learned Counsel for the 1st Respondent-accused submits that, the trial is getting delayed and this Court while rejecting bail on one occasion had directed, the trial court to dispose of the case within six months and now the case is yet to be over and delay is on account of the complainant

and his wife. As for as witnesses being threatened is concerned, submission made is that the witnesses who said to have been threatened were examined before the court below as far back on 09.06.10 and therefore, no substance lies to the complaint that is lodged with the police on 07.11.2010.

5. Having thus heard both sides, I am satisfied that the submission made by the Petitioner's Counsel with regard to the 1st Respondent having suppressed the material facts before this Court while obtaining bail on 12.10.10. The bail applications filed which was rejected by this Court were on 24.03.09 & 08.06.09 and the orders of this Court passed in Crl.P. Nos. 2033/09 & 5557/09 are also perused and all these facts are suppressed by the 1st Respondent in the bail application filed before this Court in Crl.P. No. 5008/10.

6. Under these circumstances, the 1st Respondent having suppressed the aforesaid facts, is not entitled for bail and as such, bail that is granted to the 1st Respondent on 12.10.2010 in Crl.P. No. 5008/10 is accordingly cancelled. The 1st Respondent is directed to surrender before the trial court forthwith and the trial court is directed to ensure that the trial be completed within two months.

7. Petition is allowed in the above terms.