

(2017) 05 KAR CK 0012
In the Karnataka High Court
Case No : 2410 of 2017

Sri.Ramachandra @ Chandra, S/o Munikrishnappa, & Ors. APPELLANT
Vs

State of Karnataka R/by Parappana Agrahara Police Station, RESPONDENT
Though Public Prosecutor, High Court of Karnataka

Date of Decision : 09-05-2017

Acts Referred:

Indian Penal Code, 1860, Section 397 -
Robbery or dacoity, with attempt to cause death or grievous hurt

Citation : (2017) 05 KAR CK 0012

Hon'ble Judges : H.B.Prabhakara Sastry

Bench : SINGLE BENCH

Advocate : G.M.Srinivasa Reddy, Vishweswaraiah

Final Decision : Allowed

Judgement

1. Heard the learned counsel for petitioners and the learned State H.C.G.P Perused the materials placed before this court.

2. The summary of the case of the prosecution is that on 17.02.2017 complainant Sri. Rajashekhara Reddy, lodged a complaint with the respondent police. The summary of which is that on 16.02.2017 at 1.00 am while he was returning home after dropping a customer in his car bearing registration no. KA-04-AA-3105 on the road from Electroncity from Dodda Nagamangala near super market, three unidentified persons stopped him and started accusing him of stealing their cows. They manhandled him and assaulted him by dragging him near a shed. It is further alleged in the complaint that from there, they took him to a bar and restaurant nearby and purchased the liquor at his cost, while bringing him back to his car they robbed him with Rs.5,000/ cash which he was possessing and a cell-phone. During the conversation among assailants the complainant noticed name of one of them as chandru. The said complaint was registered by the police against unknown accused for the offences punishable under section 397 of IPC.

3. Learned counsel for the petitioner in his argument submitted that, admittedly the accused were unknown to the complainant as such the entire complaint is of some surmises. He further submitted that the continuation of the petitioners in the judicial custody is no more required for any alleged recovery.

4. Learned H.C.G.P opposed granting of the bail to the accused.

5. Perusal of the material placed before this Court at this stage go to show that the complainant in his complaint has not given the details about his reaction from the time he was prevented by the accused till he was let free by them, except stating that he was robbed by the accused. Secondly, even according to the police the continuation of the accused in judicial custody is not required since the alleged recovery is said to have been made. Thirdly, the case dairy at one place though mentioned about the availability of two draggers with the accused but complaint lodged by the alleged injured at the first incident is silent about the same. Therefore, these doubts can be clarified and ascertained only during the full fledged trial. Since the recovery has already been made from the alleged accused, their continuation in judicial custody for the purpose of investigation may not be warranted. Further apprehension of the prosecution that the petitioners may flee from justice can be checked by imposing reasonable conditions.

Accordingly I proceed to pass this order.

ORDER

(i) The petition is allowed in part.

(ii) The petitioners/accused are enlarged on bail in Crime No. 76/2017 by the respondent- Police Station for the offences punishable under Sections 397 of IPC., However, subject to the condition that the petitioners/accused shall execute personal bond for a sum of Rs.45,000/-(Rupees forty five thousand only) with two sureties in the equal sum to the satisfaction of the enlarging authority.

(iii) The accused shall appear before the Investigating Officer on every Wednesday between 09.00 a.m. to 2.00 p.m. and mark his attendance till the investigation is completed and final report is filed.

(iv) The accused shall not hamper or tamper the prosecution witnesses and documents in any manner.