courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 13/09/2026

(2018) 02 KAR CK 0069

In the Karnataka High Court

Case No : 200014 of 2018

Vijaykumar S/o Veeranna Okali — APPELLANT

Vs

The State of Karnataka — RESPONDENT

Date of Decision : 16-02-2018

Acts Referred:
Code of Criminal Procedure, 1973, Section 439 - Special powers of High Court or Court of Session regarding bail Indian Penal Code, 1860, Section 399, <a href=1767-402>S

Citation : (2018) 02 KAR CK 0069

Hon'ble Judges : G.Narendar

Bench : Single Bench

Advocate : Rajesh Doddamani, P.S. Patil

Final Decision : Disposed off

Judgement

1. This petition is preferred by the petitioner/accused No.1 under Section 439 of Cr.P.C., for grant of regular bail in Crime No.313/2017 of

Brahmapur Police Station, registered for the offences punishable under Sections 399 and 402 of IPC and further being aggrieved by the order of

the Court of III Addl. District and Sessions Judge at Kalaburagi passed in Crl. Misc. No.1842/2017, rejecting the petition for releasing him on

bail.

2. The case of the complainant, who is the Police Inspector of the respondent Police Station is that, on 11.12.2017, he was on a special patrolling

duty along with his personnel and that on 12.12.2017 i.e., in the intervening night at about 3.00 a.m., he received credible information that certain

persons had assembled near Veeresh Nagar Cross with an intention to commit dacoity.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/vijaykumar-so-veeranna-okali-…

3. That, immediately he along with his personnel rushed to the spot and parked their vehicle at some distance from the spot and he saw that 5

persons were standing in the bushes and were speaking in low voices. Upon which, the complainant attempted to secure the persons standing in

the bushes and upon seeing the police personnel, the accused persons tried to flee away from the spot and 4 of the accused had escaped from the

place. That, the petitioner alone was secured and upon interrogation, he has revealed his name and the name of other accused persons who fled

away from the spot. That, the other accused while fleeing from the spot have discarded one iron rod, black cloth, a motorcycle bearing No.KA-

32-EH-5324, five mobiles, two sticks, three iron rods and five black cloths were seized from the spot. On the basis of the above, information, the

Police Inspector lodged the complaint for the offences punishable under Sections 399 and 402 of IPC.

4. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for respondent-State.

5. It is contended by the learned counsel for the petitioner that the petitioner is innocent of the offences alleged against him and that he has been

falsely implicated at the instance of the persons inimically disposed towards him and that the petitioner is employed with a private contractor and is

eking out his living. It is further contended that, apart from the self serving statement of the complainant, no other material evidence is available to

prima facie implicate the petitioner in the commission of the offences punishable under Section 399 and 402 of IPC. It is further contended that the

very story that 5 mobiles were discarded by the other accused while running away, itself is unbelievable. It is also contended that the alleged spot is

a busy public road and the question of 5 persons assembling there armed with the deadly weapons is an improbable occurrence in view of the

large number of public who traverse the said place. It is contended that the petitioner is the alone bread winner for the family and his confinement

would seriously prejudice the lives of his dependents. It is also contended that the petitioner is a permanent resident of Kalaburagi and that he

bears no criminal antecedents, neither is he an antisocial element nor a rowdy sheeter and that no other criminal case or prosecution is initiated or

pending against him. Hence, he prays for allowing of the petition.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/vijaykumar-so-veeranna-okali-…

6. Per contra, learned High Court Government Pleader would reiterate the contents of the complaint and would submit that the contentions urged

by the petitioner are matters to be established during trial. On a specific query from this Court, the learned High Court Government Pleader would

fairly admit that no criminal case or prosecution has been initiated or is pending against the petitioner.

7. In view of the above facts and circumstances and keeping in view the age of the petitioner, this Court is of the considered opinion that the

petition deserves to be allowed.

Accordingly, the petition is allowed and the petitioner/accused No.1 is ordered to be released on bail in Crime No.313/2017 of Brahmapur Police

station, registered for the offences punishable under Sections 399 and 402 of IPC, subject to the following conditions:

i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two solvent

sureties for a likesum to the satisfaction of the trial Court;

ii. The petitioner shall furnish the proof of his residential address;

iii. The petitioner shall not attempt to influence the prosecution or the witnesses or tamper with the evidence;

iv. The petitioner shall not leave the jurisdiction of this Court without prior permission of the trial Court;

v. The petitioner shall attend the trial Court regularly on all dates of hearing without fail.

The Trial Court shall not be influenced by the observations made by this Court in the disposal of this petition. The observations are made only for

the purpose of disposal of this petition and the trial Court shall proceed with the trial without being influenced by the observations made by this

Court.

Petition is ordered accordingly.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/vijaykumar-so-veeranna-okali-…