

(2024) 07 KAR CK 0022

In the Karnataka High Court

Case No : Criminal Petition No. 3509, 5254 Of 2024

Vinay Kumar S/O Adaveeshappa

APPELLANT

Vs

State Of Karnataka By Doddaballapura Town P S Represented
By State Public Prosecutor High Court Complex Bengaluru
District

RESPONDENT

Date of Decision : 01-07-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 143, 147, 148, 149, 302, 307, 332, 353

Citation : (2024) 07 KAR CK 0022

Hon'ble Judges : M G Uma, J

Bench : Single Bench

Advocate : Tigadi Veeranna Gadigeppa, Rahul Rai

Final Decision : Allowed

Judgement

M G Uma, J

1. The petitioners, who are accused Nos.1 and 2 in CrI.P.Nos.3509/2024 and 5254/2024 respectively, are before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.25/2023 of Doddaballapura Town Police Station, pending in S.C.No.10027/2023 on the file of the learned IV Additional District and Sessions Judge, Bengaluru Rural District at Doddaballapura registered for the offences punishable under Sections 332, 353, 307 read with Section 34 of the Indian Penal Code (for short 'IPC'), on the basis of the first information lodged by the informant viz., Harishkumar P.M.

2. Heard Sri.Tigadi Veeranna Gadigeppa, learned counsel for the petitioners and Sri.Rahul Rai K, learned High Court Government Pleader for the respondent - State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioners are entitled for grant of bail under Section 439 of Cr.P.C.?"

My answer to the above point is in 'Affirmative' for the following:

REASONS

4. The petitioners – accused Nos.1 and 2 are before this Court seeking grant of bail. They are apprehended on 01.03.2023 and since then, they are in judicial custody.

5. The Informant lodged the first information making specific allegations against both the accused. It is alleged that both the petitioners were accused in Crime No.24/2023 of Doddaballapura Town Police Station for the offence punishable under Sections 143, 147, 148 and 302 read with Section 149 of IPC. It is alleged that when the Informant and other Police Officials tried to apprehend accused Nos.1 and 2, accused No.1 assaulted C.W.4 with a dagger, while accused No.2 assaulted C.Ws.3 and 4 with a stone, as a result of which, they sustained injuries. Later, they opened fire and accused Nos.1 and 2 were apprehended.

6. The Wound Certificates disclose that both the injured sustained simple injuries. It is stated that the petitioners were granted bail in Crime No.24/2023. Since the charge sheet is filed in the present case, it is not the contention of the prosecution that the petitioners are required for further investigation or that they have any criminal antecedents apart from Crime No.24/2023. Therefore, I am of the opinion that the petitioners may be granted bail subject to conditions, which will take care of the interest of the prosecution.

7. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The petition is allowed.

The petitioners – accused Nos.1 and 2 are ordered to be enlarged on bail in Crime No.25/2023 of Doddaballapura Town Police Station, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a). The petitioners – accused Nos.1 and 2 shall not commit similar offences.
- b). The petitioners – accused Nos.1 and 2 shall not threaten or tamper with the prosecution witnesses.
- c). The petitioners – accused Nos.1 and 2 shall appear before the Court as and when required.

If in case, the petitioners – accused Nos.1 and 2 violate any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking

cancellation of bail.

On furnishing the sureties by the petitioners – accused Nos.1 and 2, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the address and authenticity of the documents furnished by the petitioners – accused Nos.1 and 2 and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the petitioners – accused Nos.1 and 2 on bail.