

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

BEFORE

THE HON'BLE MR. JUSTICE L. NARAYANA SWAMY

DATED THIS THE 28th DAY OF OCTOBER 2010

Crl. P. No. 8069/2010

Between:

Sadappa s/o Timmappa @ Thimmanagoudar
@ Javagal, Age: Major, Occ: Agriculture,
R/o S.K. Koppa, Tq. Bilagi,
Dist. Bagalkot.

- Petitioner

(by Sri Rajendra C. Desai, Advocate)

and

State of Karnataka by
Bilagi Police Station
Represented by the Public Prosecutor,
High Court of Karnataka,
Dharwad-560 001.

- Respondent

(by Sri V.M. Banakar, H.C.G.P.)

This petition is filed u/S 439 of Cr.P.C. seeking to grant bail in Crime No.143/2010 before the Bilagi Police Station, Bilagi for the offence punishable under Section 302 and 201 of IPC.

This petition coming on for orders this day, the Court passed the following order.

X

Order

1. Bilagi Police have registered a case in Crime No. 143/2010 against the petitioner herein for the offences punishable under Section 302 and 201 of IPC.

2. The facts of the case are that the P.S.I. of Bilagi Police Station has lodged a complaint against the petitioner herein and another alleging that one Devaraddi Kallappa koppad (victim) had been to Koppa (S.K.) on 03.07.2010 as requested by Jagadeesh for sowing onion seeds in his land and he did not return to his house till night. On 04.07.2010 the complainant Siddappa had been to Koppa and enquired Jagadeesh about the victim but he told that on the same day Devaraddi returned. While investigation it came to light that the petitioner herein and another have murdered Devaraddi. On the basis of the complaint lodged by the complainant, a case has been registered in Crime No. 143/2010 at Bilagi Police Station for the offences punishable u/S 302 and 201 of IPC against the petitioner herein and another person.

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3. Learned counsel appearing for the petitioner submitted that there are sufficient inconsistencies in the case of the prosecution to prove the guilt of the accused. There is no motive or intention to commit the murder of deceased by the petitioner but his name is falsely included. The petitioner is innocent of the alleged offence and prosecution does not allege that the petitioner is directly involved in the alleged incident. The investigation materials do not disclose even the statement said to have been recorded on behalf of the complainant witnesses. The petitioner has been falsely implicated in the case. The petitioner is the only bread-earning member of the family and his family members will be put to great hardship if he is not released on bail. Since the investigation is already completed and charge sheet is filed, the presence of the petitioner is not required for investigation. Accordingly learned counsel for the petitioner prayed to release the accused on bail.

4. On the other hand learned counsel for the respondent-State has filed statement of objections contending that it is the case of the



Prosecution that the petitioner herein assisted Jagadish Mirgi, another accused for removing the dead body from his land and throw it into the nearby river. The alleged offence is heinous and punishable up to 7 years and fine. For the aforesaid reasons the learned Government Pleader has prayed to dismiss the petition.

5. I have heard both the parties and perused the materials placed before me.

6. The statements of the witnesses made on behalf of the complainant reveal that a prima facie case is made out on behalf of the Prosecution. However the investigation is already completed, charge sheet is filed and the presence of the petitioner is not required to the Police. Under these circumstances though there are some materials made by the Prosecution I feel it is a fit case to grant bail. Accordingly I proceed to pass the following order.



ORDER

The petition is allowed. The petitioner is enlarged on bail under Section 439 Cr.P.C subject to following conditions:

- 1) The petitioner shall execute a bond for a sum of Rs.25,000/- with one surety for the likesum to the satisfaction of the Court concerned.
- 2) The petitioner shall make himself available to the investigating agency as and when required.
- 3) The petitioner shall not leave the sessions jurisdiction of the Court without prior permission.
- 4) The petitioner shall not intimidate or tamper with prosecution material or witnesses.
- 5) The petitioner shall mark his attendance before jurisdictional Police once in fortnight until further orders.

Violation of any of the above conditions would result in cancellation of the bail.

Sd/-
JUDGE