

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD**

DATED THIS THE 29th DAY OF JULY, 2011

BEFORE

THE HON'BLE MR.JUSTICE B.V.PINTO

CRIMINAL PETITION NO.2824/2011

C/w.

CRIMINAL PETITION NO.10797/2011

IN CRL.P.NO.2824/2011

BETWEEN:

Shashikantha (a Shashi
S/o. Keshappa
Aged about 30 years
R/o.Veerapura Oni, Hubli.

... PETITIONER

(By Shri Ravi B. Naik, Sri.Counsel with V. M.
Sheelavant, Advs.)

AND:

The State of Karnataka
Hubli Town Police
Rep. by State Public Prosecutor
High Court of Karnataka
Bangalore.

... RESPONDENT

(By Shri Vinayak S. Kulkarni, HCGP)



IN CRL.P.NO.10797/2011

BETWEEN:

Rajanikant @ Rajani
S/o. Kashappa Bijwad
Age: 36 years, R/o. K. T. Habib Mill
Veerapur Oni, Hubli.

... PETITIONER

(By Shri Ravi B. Naik, Sri.Counsel with V. M. Sheelavant, Advs.)

AND:

The State of Karnataka
Rep. by its Additional Public Prosecutor
High Court of Karnataka
Circuit Bench, at Dharwad

... RESPONDENT

(By Shri Vinayak S. Kulkarni, HCGP)

Criminal petition No.2834/2011 is filed under Section 438 Cr.P.C praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.199/2010 of Hubli Town P.S., which is registered for the offence p/u/s. 143, 147, 148, 341, 323, 324, 326, 307, 302 and 109 of IPC R/w. 149 of IPC.

Criminal petition No.10797/2011 is filed under Section 439 Cr.P.C seeking to enlarge the petitioner on bail in C.C.No.201/11 (Town P.S. Hubli in Cr.No.199/2010 for the offence p/u/s. 143, 147, 148, 341, 323, 324, 326, 307 R/w. 149 of IPC.



These criminal petitions coming on for orders this day, the Court made the following: -

ORDER

These two petitions are filed seeking anticipatory bail and regular bail respectively in Crime No.199/2010 of Hubli Town Police Station for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 326, 307 R/w 149 of IPC. On the death of the deceased Palaksha, the police have added Section 302 for the earlier sections.

2. Heard Sri. Ravi B. Naik, learned Senior Counsel and Sri. Vinayak Kulkarni, learned High Court Government Pleader for the State. The learned High Court Government Pleader filed statement of objections.

3. On the basis of the complaint of one Naveen, the Hubli Town Police have registered the above case alleging that on 23.10.2010, the complainant and his friends by name Pradeep and Palakshya had gone to



watch a movie in Apsara Talkies and at about 5.30 pm, when they came out of the talkies, about 7 named persons and about 20 unnamed persons suddenly came near the gate of the talkies and assaulted them with various weapons like kodli, bead (knife) etc. It is stated in the complaint that the petitioner Rajani has assaulted the deceased Palaksha to his abdomen by means of a knife and Shashi has assaulted the injured Pradeep on the back side of his head. The deceased Palaksha died on the same day. It is also stated that other accused have assaulted the deceased Palaksha by means of various weapons. The deceased was shifted to the hospital by the complainant and the statement was given by him to the police.

4. The learned High Court Government Pleader strenuously opposes the application for bail on the ground that the injuries No. 14 and 15 sustained by the deceased are reported to be made by the petitioner Rajani, which is the cause of the death of Palaksha.



5. Having regard to the number of injuries sustained by the deceased Palaksha and the opinion of the doctor that the death is due to the shock and hemorrhage as a result of injuries sustained, I am of the opinion that the death is due to the effect of 19 injuries suffered by the deceased and it cannot be said that the death has happened only due to the sole injury caused by the petitioner Rajani. Insofar as Shashi is concerned, the injuries sustained by Pradeep are simple in nature as per the wound certificate produced by him.

6. In the circumstances, I am of the opinion that both the petitioners are entitled for bail. The learned High Court Government Pleader submits that the petitioner Rajani is involved in about 6 cases of Ghantikeri Police Station, 6 cases of Bhendegeri police station and one case in Hubli Town Police Station. Hence it is proposed to impose stringent conditions. Accordingly, the following orders are passed:



ORDER

IN CRL.P.NO.2824/2011

Petition is allowed with the following conditions:

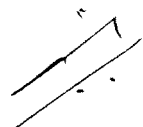
- i. In the event of arrest of the petitioner in Crime No.199/2010 of Hubli Town Police Station, he shall be released on bail on his executing a bond for Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Police Officer.
- ii. The petitioner is directed to surrender before the Investigating Officer within 10 days from today. The Investigating Officer is at liberty to detain the petitioner in police custody for a maximum period of three days for the purpose of investigation/interrogation/identification and recovery. During the period when the petitioner is in police custody, he shall be in custody only between 8.00 am and 6.00 pm. If the police have not



completed the investigation within the said period of three days, the Investigating Officer is at liberty to file an application before the Magistrate to seek further custody of the petitioner. In such event, the Magistrate is at liberty to pass such orders as deemed fit.

- iii. The petitioner is directed to appear before jurisdictional Magistrate and offer surety before the Magistrate within four weeks from today and after his arrest and release by the police.
- iv. The petitioner shall not intimidate the witnesses or tamper with the complainant and injured.
- v. The petitioner is directed to appear before the Investigating Officer once in a month for a period of six months from today.

If any of these conditions are violated, the jurisdictional Magistrate is at liberty to cancel the bail

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and commit him to custody without reference to this Court.

IN CRL.P.NO.10797/2010

Petition is allowed with the following conditions:

- i. The petitioner is directed to be released on bail on his executing a bond for Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court.
- ii. The petitioner shall not tamper with the prosecution witnesses.

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**Sd/-
JUDGE**