

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA

DATED THIS THE 29th DAY OF FEBRUARY, 2012

BEFORE

THE HON'BLE MR. JUSTICE A.S. PACHHAPURE

CRIMINAL PETITION No.15136 OF 2012

BETWEEN:

1. Rajappa @ Rajkumar
S/o Devindrappa Mavinkar,
Age: 28 years, Occ: Agriculture.
2. Amruth @ Ambaraya
S/o Devindrappa Mavinkar,
Age: 22 years, Occ: Agriculture,
Tq: Aland, Dist: Gulbarga.

... Petitioners

[By Sri.N.B.Diwanji, Adv.]

AND:

The State of Karnataka
Through Narona P.S.

... Respondent

[By Sri.Subhash Mallapur, HCGP]

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This Criminal Petition is filed U/S.439 of Cr.P.C. praying to release the petitioners on bail in Crime No.99/2011 and FIR No.436/2011 of Narona P.S. which is registered for the offences P/U/Ss.448, 323, 324, 326, 504, 307 r/w 34 of IPC.

This petition coming on for Orders this day, the Court made the following:

ORDER

The petitioners having been arrested in Crime No.99/2011 of Narona police station registered for the offences punishable under Sections 448, 323, 324, 326, 504, 307 r/w 34 of IPC have sought for bail.

2. The facts reveal that the complainant had put the fence on the way leading to the land of the petitioners. When the petitioners questioned the same, the complainant refused to remove the fence and informed that he has constructed the fence in his land. Thereafter, petitioners went to the house of the complainant and caused assault on the head and hit on the face, thereby the complainant lost a tooth and sustained other bleeding injuries. It is in these circumstances, a complaint came to be registered for the aforesaid offences.

3. The petitioners submit that they are innocent and they have not committed any crime and they are ready and willing to abide by any conditions that may be imposed for grant of bail. The petition is opposed by the learned High Court Government Pleader.



4. Taking into consideration the nature of the offence, punishment provided and the reason for which the incident took place, I am of the opinion that it is a fit case wherein the bail could be granted with certain conditions.

5. In the result, the petition is allowed. The petitioners are ordered to be released on bail on their executing personal bond for a sum of ₹50,000/- each with one solvent surety each for the like-sum to the satisfaction of the court below with the further following conditions:

- i) That the petitioners shall attend the concerned police station on every Sunday between 10.00 a.m and 11.00 a.m. until further orders.
- ii) They shall not cause any threat, coercion force etc. to the prosecution witnesses.
- iii) They shall not jump the bail.
- iv) If any of the conditions are violated, the bail granted entails cancellation.

Intimate to the concerned authority.

**Sd/-
JUDGE**

AP*