

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

**DATED THIS THE 30<sup>TH</sup> DAY OF AUGUST, 2013**

**BEFORE**

**THE HON'BLE MR. JUSTICE ANAND BYRAREDDY**

**CRIMINAL PETITION No.11091/2013**

**BETWEEN:**

1. Duragappa  
Son of Malleshappa Harijan  
Age: 70 years, Occupation: Agriculture  
Resident of Nittur, Taluk: Hirekerur
2. Mahesh  
Son of Durgappa Harijan  
Age: 36 years, Occupation: Agriculture  
Resident of Nittur, Taluk: Hirekerur
3. Smt. Lalitavva  
Wife of Durgappa @ Ramappa Harijan  
Age: 30 years, Occupation: Household work  
Resident of Arishinaguppi, Taluk: Hirekerur
4. Mahadevappa  
Son of Tirukappa Harijan  
Age: 30 years, Occupation: Agriculture  
Resident of Timakapuram, Taluk: Byadgi
5. Netra  
Son of Mahadevappa Harijan  
Age: 25 years, Occupation: House Hold Work  
Resident of Timakapur, Taluk: Byadgi

...PETITIONERS

(By Sri. M. H. Patil, Advocate)

AND:

The State of Karnataka  
By Adur Police, Represented by  
Additional State Public Prosecutor  
High Court Circuit Bench, Dharwad.

...RESPONDENT

(By Sri. Sri. Vinayak S. Kulkarni, Government Pleader)

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This Criminal Petition is filed under Section 439 of Code of Criminal Procedure, 1973, seeking to enlarge the petitioners on bail in Adur Police Station Crime No.80/2013 for the offences punishable under Sections 143, 147, 148, 323, 324, 504, 302 read with Section 149 of the Indian Penal Code, 1860.

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

### **ORDER**

Heard the learned Counsel for the petitioners and the learned Government Pleader.

2. The petitioner No.1 is said to be accused No.3, petitioner No.2, who is the son of first petitioner is said to be accused No.4. The petitioner No.3, who is said to be accused No.5 is the wife of first petitioner. The relationship between the first three petitioners and petitioners No.4 and 5 is not clear. But they are named as accused Nos.6 and 7.

3. These accused, along with accused Nos.1 and 2 have alleged to have attacked one Manjappa and his wife and son and tied them, while Manjappa was tied to coconut tree, his wife and son were tied to the wheels of a bullock cart and were repeatedly attacked by accused Nos. 1 to 7, according to the complaint, resulting in serious injuries to Manjappa, where both his legs were fractured and he has suffered hemorrhage and had died. The wife and the son also having suffered injuries, it was alleged that, accused No.2 had asked Manjappa to offer his land on rent. When it was refused, there was animosity created and therefore, he along with accused No.1 and these petitioners had attacked the family of Manjappa and had done him to death. Though there are allegations and overt acts against accused Nos. 1 and 2, the allegations against these petitioners is vague. The relationship as between accused No.2 and these petitioners is also not made out. Therefore, these petitioners, being arraigned as accused when no overt acts against these petitioners being made out, the first petitioner is aged about 70 years, the petitioners No.3 and 5 are women and therefore, the case against the other petitioners also not being

clear, the petitioners have made out a case for enlargement on bail.

Hence, the petition is allowed. The petitioners shall be enlarged on bail on their furnishing a self bond for a sum of Rs.20,000/- each, along with solvent sureties each for like sums, subject to the following conditions:

1. The petitioners shall not leave the jurisdiction of the trial Court without seeking leave of that Court.
2. The petitioners shall attend the Court on all dated of hearing.
3. The petitioners shall not influence or seek to threaten the prosecution witnesses in any manner.

**Sd/-  
JUDGE**

gab/-