

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

DATED THIS THE 30TH DAY OF AUGUST, 2013

BEFORE

THE HON'BLE MR. JUSTICE B V PINTO

CRL.PETITION.NO.15697/2013

BETWEEN

SABU SHASAPPA TONASHYAL
AGE: MAJOR, OCC: AGRICULTURE
R/O ATALATTI, TQ. BIJAPUR

PETITIONER

(BY SRI.SHIVANAND PATTANASHETTY, ADVOCATE)

AND:

THE STATE OF KARNATAKA
R/EY ADDL. SPP CIRCUIT BENCH
GULBARGA
(THROUGH BIJAPUR RURAL P.S.)

RESPONDENT

(BY SRI.SANJAY A. PATIL, ADDL. SPP)

THIS CRL.P. IS FILED UNDER SECTION 439 OF CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT TO GRANT THE REGULAR BAIL TO THE PETITIONER IN C.C.NO.1500/2013 (BIJAPUR RURAL POLICE STATION CRIME NO.83/2013) PENDING ON THE FILE OF JMFC COURT, BIJAPUR, WHICH IS REGISTERED FOR THE OFFENCE P/U/S 34, 201, 302 OF IPC.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed seeking bail in Crime No. 83/2013 of Bijapur Rural Police Station registered on 04.04.2013 for the offences punishable under Sections 201, 302 r/w Section 34 of IPC.

2. The deceased is one Sandeep. It is the case of the prosecution that on 03.04.2013, the deceased was done to death by the accused, when he was returning in the midnight. The accused/petitioner is alleged to have given extra judicial confession to the neighbouring land owners CWs.9 and 10. Based on the said extra judicial confession, the petitioner has been implicated as the accused.

3. Heard Sri.Shivanand V. Pattanashetti, learned counsel for the petitioner and Sri.Sanjay A. Patil, learned Addl. SPP.

4. The case is based on circumstantial evidence. Circumstances leading to the guilt of the accused are yet to be proved. Hence, I am of the opinion that the petitioner may be released on bail. Hence, the following order is made:

ORDER

- i) The petitioner is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court/Magistrate.
- ii) The petitioner shall appear before the police station once in 15 days for a period of 3 months and thereafter once in a month till the disposal of the case.
- iii) The petitioner shall not try to influence CWs.9 and 10 nor approach them to dissuade them from deposing against him.

**Sd/-
JUDGE**

Sdu