

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF DECEMBER 2013

BEFORE

THE HON'BLE MR.JUSTICE A.V.CHANDRASHEKARA

CRIMINAL PETITION NO. 7269 OF 2013

BETWEEN :

VINAY @ VINOD
S/O VENKATESH
AGED ABOUT 22 YEARS
RESIDENT OF HOUSE NO.40
"C" BLOCK, KESARI
RAJENDRANAGAR
MYSORE – 570 001

... PETITIONER

(BY SRI B.CHETHAN, ADV.,)

AND :

STATE OF KARNATAKA
BY UDAYAGIRI POLICE STATION
MYSORE CITY – 570 001
MYSORE DISTRICT

... RESPONDENT

(BY SRI.ASHWATHAPPA, AGA)

THIS CRIMINAL PETITION IS FILED UNDER
SECTION 439 CRI.P.C. PRAYING TO ENLARGE THE
PETITIONER ON BAIL IN CR.NO.132/13 OF
UDAYAGIRI POLICE STATION, MYSORE CITY, FOR
THE OFFENCES PUNISHABLE UNDER SECTION 143,
147, 341, 307, 506 R/W 149 OF IPC.

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

ORDER

Petitioner is accused NO.5 in a case bearing Crime No.132/2013 on the file of the Udayagiri Police Station Mysore City, for offences punishable under sections 143, 147, 307, 506, 307 of IPC read with Section 149 of IPC.

2. A case has been registered on the basis of a first information report stated to have been lodged on 12.07.2013 by one Sri.Manoranjan to the PSI, Udayagiri Police Station. Manoranjan himself is stated to be the injured. According to him, he was driving his autorikshaw on the night of 11.07.2013 and at about 8.30 P.M., when he reached a place near Ganesh Temple of Ganesha Nagar, 7 to 8 persons stopped his autorikshaw, and out of them, Mr.Prasanna Kumar, who is known to him assaulted on his head with an iron rod and others also assaulted him. It is mentioned in the FIR that the persons who had accompanied Mr.

Prasanna Kumar accused No.1 assaulted him with iron pipes and clubs. It is further alleged that hey had proclaimed to finish him off at that place itself. The name of the petitioner is also found in the later portion of the FIR. According to him auto driver Gajendra Prasad and others rescued him. Later on he was shifted to K.R. Hospital, Mysore, in his autorikshaw.

3. Learned Government Advocate has vehemently opposed the bail application contending that prima facie case is made out against the accused for offence punishable under Section 307 of CR.P.C. r/w 149 of IPC. It is further contended that the petitioner if released on bail he will not be available either for trial and that they have no permanent avocation.

4. Any how the injured has already been discharged from the hospital and he is out of danger. The main allegation is against one Prasanna Kumar who is stated to have assaulted on the head of first informant with an iron rod. Petitioner is a permanent

resident of Rajaendranagar, Mysore city,. He has undertaken to obey any conditions which may be imposed on him. The apprehension of the State will be suitably met by imposing proper conditions. Accordingly the following:

ORDER

1. Bail application is allowed
2. Petitioner shall execute a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for the like sum to the satisfaction of the learned JMFC.
3. He shall not involve himself in any criminal activities and shall not hold threats to the prosecution witnesses or lure them in any manner.
4. He shall give attendance to Udayagiri Police station once in a week on every Sunday between 9 AM to 5 PM for a eriod of six months without fail.
5. He shall co-operate with the Sessions judge in conducting trial.

Sd/-
JUDGE

Bsv