

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31<sup>st</sup> DAY OF DECEMBER 2013

BEFORE

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

CRIMINAL PETITION NO.7664 OF 2013

BETWEEN:

1. RAMU @ SWAMYGOWDA  
S/O BYREGOWDA  
AGE: 38 YEARS
2. ANANDA  
S/O KENCHEGOWDA  
AGE: 26 YEARS
3. PUTTARAJU  
S/O SANNAHYDEGOWDA  
AGE: 35 YEARS
4. MADHU  
S/O JAVAREGOWDA  
AGE: 33 YEARS
5. BIRESHA  
S/O DODDAHYDEGOWDA  
AGE: 24 YEARS
6. MANJU  
S/O SHIVANNEGOWDA  
AGE: 26 YEARS
7. JAVAREGOWDA  
S/O BYREGOWDA  
AGE: 45 YEARS

8. SWAMYGOWDA  
S/O APPANNEGOWDA  
AGE: 54 YEARS

ALL ARE R/A K.MALLENAHALLI  
VILLAGE, PANDAVAPURA TALUK  
MANDYA DIST. – 571 434 ... PETITIONERS

(BY SMT.ARCHANA MURTHY, ADV.)

AND:

STATE BY PANDAVAPURA POLICE  
REP BY SPP, HIGH COURT  
BANGALORE – 560 001 ... RESPONDENT

(BY SRI.D.ASWATHAPPA, AGA)

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This Criminal Petition is filed under Section 438 Cr.P.C. to release the petitioners on bail in the event of their arrest in Cr.No.397/2013 of Pandavapura Police Station, Mandya which is registered for the offences punishable under sections 143, 147, 148, 341, 324, 326, 506 r/w 149 of IPC.

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

### **ORDER**

Petitioners have filed this petition under Section 438 of Cr.P.C. seeking anticipatory bail as they are apprehending their arrest at the hands of respondent – Investigating Officer in regard to Crime No.397/2013.

The offences alleged against them are punishable under Sections 143, 147, 148, 341, 324, 326, 506 R/w. 149 IPC.

2. The petitioners had approached the learned III Additional District & Sessions Judge, Mandya Sitting at Srirangapatna seeking anticipatory bail and the same has been rejected by a considered order dated 25.11.2013 in CrI. Misc. No.5286/2013. Hence they have filed this petition seeking anticipatory bail. On the basis of the report submitted by one Sri Chandru, a case is registered for the aforesaid offences. It is alleged that, at about 6.30 p.m., on 08.11.2013 when the first informant was proceeding towards his house, near the school, it is alleged, that the petitioners herein had stood in a group, holding deadly weapons like sickle, iron rod and axes and attacked the complainant's uncle Motegowda proclaiming that they would kill him.

3. Learned Government Advocate has vehemently opposed the petitions contending that prima facie case is made out for the offences which have been registered. It is further contended that if they are released on bail they are likely to commit the similar offences.

4. I have perused the copy of the discharge summary issued by the Medical officer of K.R. Hospital, Mysore which discloses that, Motegowda had been admitted on 9.11.2013 and was discharged on 11.11.2013. He had sustained soft tissue injury and was treated conservatively. As seen from the discharge summary, the nature of the injury was simple. The victim is already discharged.

5. The petitioners have undertaken to obey any conditions which may be imposed on them. Petitioners are permanent residents of Mallenahalli Village doing agriculture and have deep roots in the community. The apprehension of the State could be met with by imposing

proper conditions. Hence, the petitioners are entitled to be released on bail.

O R D E R

The petition is allowed. The petitioners are ordered to be enlarged on bail in the event of their arrest in Cr.No.397/2013 of Pandavapura Police Station, Mandya on their executing personal bond for a sum of Rs.25,000/- each with one surety for the like sum to the satisfaction of Investigation Officer subject to following conditions that,

- (1) they shall not threaten the prosecution witnesses or lure them;
- (2) they shall co-operate with the Investigation Officer in the investigation and
- (3) they shall mark their attendance in Pandavapura Police Station in every Sunday between 9.00 a.m. and 5.00 p.m. for a period of three months from today without fail.

**Sd/-  
JUDGE**

SBS