

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.7662 OF 2013
A/W. CRIMINAL PETITION NO.7663/2013

IN CRIMINAL PETITION NO.7662/2013

BETWEEN:

RAJEGOWDA,
S/O. BEEREGOWDA,
AGED ABOUT 40 YEARS,
R/O. MALLENAHALI,
PANDAVAPURA TALUK,
MANDYA DISTRICT-571 434 ... PETITIONER

(BY SMT. ARCHANA MURTHY P., ADV.)

AND:

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

(BY SRI D. ASWATHAPPA, AGA)

This Criminal Petition is filed under Section 439
Cr.P.C. praying to enlarge the petitioner on bail in
Crime No.398/2013 of Pandavapura P.S., Mandya, for

the offences P/U/S 143, 147, 148, 341, 324, 504, 307
R/w. Sec 149 OF IPC.

IN CRIMINAL PETITION NO.7663/2013

BETWEEN:

1. PRADEEP
S/O RAJEGOWDA
AGE: 22 YEARS
2. SAVALEGOWDA
S/O BEEREGOWDA
AGE: 56 YEARS
3. KENCHEGOWDA
S/O APPAJIGOWDA
AGE: 30 YEARS

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

(BY SMT.ARCHANA MURTHY P., ADV.)

AND:

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

(BY SRI.D.ASWATHAPPA, AGA)

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.398/2013 of Pandavapura Police
Station, Mandya which is registered for the offences

punishable under sections 143, 147, 148, 34, 324, 504, 307 r/w 149 of IPC.

These petitions coming on for Orders this day, the Court made the following:-

O R D E R

As both these petitions pertain to one Crime No.398/2013 on the file of Pandavapura Police Station, they are taken up together for final disposal.

2. The petitioners are accused in these two petitions filed for the offences punishable under Sections 143, 147, 148, 341, 324, 504, 307 R/w. Sec. 149 of IPC. The petitioner in Criminal Petition No.7662/2013 has filed a petition under Section 439 of Crl.P.C. as the petitioner is in judicial custody. Petitioners in Criminal Petition No.7663/2013 are apprehending arrest at the hands of respondent – Investigating Officer and hence they have filed a petition seeking Anticipatory Bail under Section 438 of Cr.P.C. They had approached the learned III Additional District

& Sessions Judge, Mandya Sitting at Srirangapatna and the said applications have been rejected by a considered common order dated 25.11.2013 in Crl. Misc. No.5285/2013 and 5284/2013.

3. On the basis of the report lodged by one Sri Sathisha S/o. Channegowda resident of Mallenahalli, Pandavapura Taluk, a case is registered for the aforesaid offences. It is alleged in the First Information Report that, about 6.30 p.m., on 08.11.2013 his uncle's son Prasanna came in an Autorickshaw from Chinakurali and parked Autorickshaw in the house. At about 6.00 p.m. there was a Galata near School and Motegoda, Madan, Mahesh and Lokesh had sustained injuries in the said Galata. After some time when Prasanna came near School, Savalegowda, Kenchegowda, Rajegowda, Kalavati, Sakamma, Devamma, Savita came in a group and restrained the Prasanna from further proceedings

and abused him by using vulgar words. It is alleged that Pradeep was assaulted with an Iron rod and Savalegowda assaulted with club, Kenchegowda and Rajegowda assaulted Prasanna with club and others poured chilly powder. This assault is stated to have been made with a specific intention to murder Prasanna.

4. Learned Government Advocate has vehemently opposed the petitions contending that prima facie case is made out for offences punishable under Sections 307 read with 149 IPC and if they are released on bail they are likely to commit the said offence.

5. Learned counsel for the petitioners has furnished a copy of the discharge summary issued by the Medical officer of K.R. Hospital, Mysore. It discloses that, Prasanna S/o. Devaraju was admitted on 08.11.2013 with the history of assault with a chopper at about 6.00 p.m., on 08.11.2013 near his residence and

he was discharged on 19.11.2013. It also discloses that, he had sustained some injuries on the left forearm and there was no evidence of any abnormality or fracture. He had been treated conservatively in the said hospital.

6. If the assault was really made with an intention to murder him, there would have been serious injuries on vital parts of the body, is the argument. There is force in the said submission. He has already been discharged. The petitioners have undertaken to obey any conditions which may be imposed on them. Petitioners are permanent residents of Mallenahalli Village and are agriculturists having deep roots in the community. The apprehension of the State could be considered by imposing conditions. Hence, the petitioners are entitled to be released on bail.

ORDER

The petitions are allowed.

The petitioner in Criminal Petition No.7662/2013 is ordered to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with one surety to the satisfaction of JMFC, Pandavapura, subject to condition that the petitioner shall not threaten the prosecution witnesses and shall not involve himself in any other criminal activity.

The petitioners in Criminal Petition No.7663/2013 shall be enlarged on bail on furnishing personal bond in a sum of Rs.25,000/- (Rupees twenty five thousand only) each with one surety for the like sum to the satisfaction of the Investigation Officer with a condition that they shall co-operate with the Investigation Officer in the investigation and shall mark their attendance in Pandavapura Police Station one in a week on every

Sunday between 9.00 a.m. to 5.00 p.m. without fail for
a period of three months from today.

**Sd/-
JUDGE**

SBS