

IN THE HIGH COURT OF KARNATAKA
GULBARGA BENCH

DATED THIS THE 30TH DAY OF APRIL, 2014

BEFORE

THE HON'BLE MRS. JUSTICE RATHNAKALA

CRL.PETITION No.200399/2014

BETWEEN

1. LAXMIPUTRA
S/O: RAMCHANDRA SHARMA,
AGE: 27 YEARS, OCC: DRIVER,
R/O: BAIRAMADAGI, TQ: AFZALPUR,
DIST: GULBARGA.

2. RAKESH
S/O: SIDRAM PATTENKAR,
AGE: 21 YEARS, OCC: STUDENT,

3. PRAVEENKUMAR
S/O: MAHADEVAPPA AURADKAR,
AGE: 23 YEARS, OCC: STUDENT,

BOTH ARE R/O: SIDDARTH NAGAR,
GULBARGA.

...PETITIONERS

(BY SRI SHIVASHARANA REDDY, ADV FOR
SRI USTAD SADAT HUSSAIN, ADV.)

AND:

THE STATE THROUGH
KAMALAPUR P.S.
GULBARGA.

...RESPONDENT

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

THIS CRL.P. IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ALLOW THE PETITION AND ENLARGE THE ACCUSED PETITIONERS ON BAIL IN CRIME NO.18/2013 (S.C.NO.15/2014) OF KAMALAPUR P.S., WHICH IS REGISTERED FOR THE OFFENCES P/U/S. 143, 147, 504, 341, 323, 364 AND 302 R/W SECTION 149 OF IPC.

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

ORDER

This petition is filed under Section 439 of Cr.P.C. seeking bail in Crime No.18/2013 of Kamalapur Police Station registered for the offences punishable under Sections 143, 147, 504, 341, 323, 364 and 302 r/w 149 of IPC.

2. The case of the prosecution is “the accused Nos.1 to 7 formed an unlawful assembly picked up quarrel with the deceased forcibly took him in cruiser vehicle. Again assaulted him with the stone and left him in unconscious condition. CW.9 who witnesses the incident informed the matter to CWs.1 and 10 they admitted the deceased to the hospital. The deceased expired in the hospital while on treatment on 13.3.2013.”

3. Sri Sanjay A. Patil, learned Addl. SPP submits that the previous petitions moved by the very same petitioners was considered on merit and came to be dismissed in Crl.P.No.15539/2013 dated 4.7.2013, subsequently also these petitioners filed another petition in Crl.P.No.15577/2013 which was dismissed on 29.07.2013. The petitioners having suppressed true facts and having made false representation before the Court, their conduct is highly deplorable, they are not entitled for the relief.

4. The petitioners at the first instance did not mention anything about their previous petitions being dismissed, after the office raised objection, learned counsel added the following sentence:

That earlier Crl.P.15408/13, Crl.P.15539/13 & Crl.P.15577/13 filed by different co-accused at investigation stage were dismissed that due to change of circumstances, after charge sheet the petition is filed.

To verify the same records, of these three cases were procured and noticed that the very same petitioners along with other petitioners have moved the petitions and the Crl.P.No.15539/2013 which was considered on its merits and dismissed vide order dated 4.7.2013. Suppressing the fact of dismissal Crl.P.No.15539/2013 they moved similar petition in Crl.P.No.15577/2013 which came to be dismissed on 29.07.2013.

5. I find no change of circumstances for the benefit of the petitioners to move the third bail petition. When they have suppressed the material facts and made false representation to the Court they are not entitled for any relief.

Accordingly, the petition is rejected.

**Sd/-
JUDGE**

Msr/sdu