

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30th DAY OF DECEMBER 2014

BEFORE

THE HON'BLE MRS. JUSTICE RATHNAKALA

CRIMINAL PETITION No.8083/2014

BETWEEN:

Rohit Kumar @ Rohit
S/o Shylendra Kumar
Aged about 30 years
R/o No.45, 6th Cross
III rd Block, Tyagarajnagar
Bangalore-560 028

...PETITIONER

(By Sri.Bharath Kumar V, Adv.)

AND:

State of Karnataka
Through
Chikkaballapura Rural Police Station
Represented by:
The State Public Prosecutor
Hon'ble High Court of Karnataka
Bangalore-560001

... RESPONDENT

(By Sri.B.Visweswaraiah, HCGP)

This CrI.P. is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime

No.214/14 of Chickaballapura Rural P.S, Chickaballapura, for the offences p/u/s 399 and 402 r/w 34 of IPC.

This CrI.P. coming on for orders this day, the Court made the following:-

ORDER

This petition is filed under Section 439 of Cr.P.C. The petitioner is charge sheeted for the offence punishable under Sections 399 and 402 r/w 34 of IPC along with the co-accused. He was granted bail by this Court in Criminal Petition No.3433/2014 vide order dated 20/06/2014 subject to conditions among other conditions he was directed to appear before the concerned Court regularly. Since he remained absent on the hearing date, the exemption application filed by him came to be rejected by the learned Magistrate and he was arrested on 17/09/2014. His application filed under Section 439 of IPC is rejected by the Session Court.

2. The learned counsel for the petitioner submits that, under the bonafide belief that he would be granted exemption, he had gone on preliminary to Tirupathi. He never intended to violate the conditions imposed in the bail order. He is ready and willing to comply any condition that may be imposed on him. He is employed as a Manager in a Hotel at Bangalore and a permanent resident of cause title address. Under these circumstances, he may be enlarged on bail.

3. For a moment, I take note of the fact that, the petitioner though remained absent on hearing date had filed exception Petition which came to be dismissed. There is no material to infer that petitioner intentionally absented himself from the Court on the hearing date and violated any condition imposed by the Court while granting bail.

4. Accordingly, the petition is allowed.

Petitioner is enlarged on bail on executing a self bond for a sum of Rs.1,00,000/- with one surety to the satisfaction of the concerned Court.

Sd/-
JUDGE

MS