

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.8040/2014

BETWEEN:

1. Venkataravanappa
S/o late Pedanna
Aged about 45 years
2. Nagi Reddy
S/o late Pedanna
Aged about 42 years
3. Subba Reddy
S/o late Pedanna
Aged about 50 years

(Petitioners No.1 to 3 are Agriculturists
R/a Digavadwarapalli Village
Chinthamani Taluk
Chikkaballapura District-563125)

...PETITIONERS

(By Sri.Shankarappa. S, Adv.)

AND:

State by Kencharalahalli Police Station
Chinthamani-563125
Rep. by SPP, High Court Building

Bangalore-560001

... RESPONDENT

(By Sri.B.Visweswaraiah, HCGP)

This CrI.P. is filed under Section 438 of Cr.P.C. praying to enlarge the petitioners on bail in the event of their arrest in Cr.No.179/2014 of Kencharalahalli P.S., Chickballapura for the offences punishable under Section 323, 504 & 506 R/w 34 of IPC.

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

ORDER

This petition filed under Section 438 of Cr.P.C. by the petitioners, who are arrayed as accused Nos.1 to 3 in Cr.No.179/2014 registered by Kencharalahalli Police Station in respect of offences punishable under Sections 323, 504, 506 R/w 34 IPC and 3(1) (X) of SC/ST Act (hereinafter referred to as 'the Act').

2. The allegation against the accused persons is that, on 21.11.2014 at 12.00 noon while the complainant was engaged in removal plants from his land, the accused persons abused the complainant

filthily by referring them as “meeru sanna janalu”. Accused No.1 attempted to assault the complainant. However, the complainant sustained blunt injury, accused No.2 fisted on his body and neck and accused No.3 fisted and kicked on his waist and caused blunt injuries

3. On behalf of the petitioners-accused persons, the learned counsel submits that, false complaint is filed at the instigation of some body who is inimical to the accused persons; the complaint allegations are vague. The complainant and the accused persons are not of the same village. The complainant does not own any land at Digava Dwarapalli where the accused persons are put up. The petitioner Nos.1 to 3 are having a landed property in Sy.No.90 measuring 1 Acre each along with D.C.Narayanappa; except this there are no other lands adjoining to the petitioners in the village. Moreover, on his own showing the accused

have not referred to the caste of which the complainant belongs. This complainant is registered only to settle the score, thereby enormous delay of two days in lodging the complaint. The complainant suffered simple injuries only as per his medical certificate.

4. Learned counsel further submits that there is not even a filament of material which attracts the provisions of SC/ST Act and the other offences alleged are all triable by the Magistrate Court. The petitioners are of the permanent residents of address shown in cause title. In view of the registration of the above case the petitioners apprehend their arrest and they may be enlarged on bail.

5. State opposes the petition.

6. There is a mention in the complaint that the accused insulted the caste of the complainant, by hurling "meeru sanna janalu". Assuming for a while,

the accused abused the complainant as above, then also it is doubtful that it is intentional intimidation of the caste to which complainant belongs. But complainant has not specifically stated as to which of the accused abused him so. Under these circumstances, it is doubtful that the case falls under the provisions of the Act. Barring the said provisions, the other offence alleged are triable by Magistrate Court. Under the circumstances, there is no hurdle to allow the petition.

6. Accordingly, the petition is allowed.

The petitioners are granted anticipatory bail for a period of one month in Crime No.179/2014 of Kencharalahalli Police Station, Chinthamani. Within this period the petitioners shall appear before the Investigating Officer. In that event, the Investigation Officer is at liberty to interrogate them and recover incriminating material if any at their instance as contemplated under Section 27

of the Evidence Act. If the petitioners are to be detained for more than 24 hours during interrogation, they shall be produced before the jurisdictional Magistrate. If they are arrested, they shall be enlarged on bail on each of them executing a self bond for a sum of Rs.50,000/- with one surety for the like-sum to the satisfaction of the arresting police officer. They shall not threaten the prosecution witnesses and co-operate with the I.O. during further course of investigation.

Sd/-
JUDGE

MS