

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

Dated this the 28th day of May, 2015

BEFORE

THE HON'BLE MR. JUSTICE P.S. DINESH KUMAR

Criminal Petition No.100653/2015

BETWEEN

1. RAMAN S/O CHINNAKOLANDAI,
AGED ABOUT 53 YEARS,
AGRICULTURIST,
R/AT: NO. 16, VENKATAPURAM
VILLAGE, NADAMPATTI POST,
UTHANGERE TALUK,
KRISHNAGIRI DISTRICT,
TAMIL NADU,
PIN-635 207.
2. RAJU S/O KRISHNA,
AGED ABOUT: 38 YEARS,
AGRICULTURIST,
R/AT. NO. 47, KONDAPATTI
VILLAGE, MARANPATTI POST,
TQ: UTHANGERE,
DIST: KRISHNAGIRI.
TAMIL NADU.
PIN:- 635 207.
3. SRINIVASAN S/O RAMASWAMY,
AGED ABOUT: 40 YEARS,
AGRICULTURIST,
R/AT. VEDIAPPAN KOYIL MEDI,
KONDAPATTI VILLAGE,
MARAMPATTI POST,
UTANGERE TALUK,

KRISHNAGIRI DISTRICT,
TAMIL NADU.
PIN - 635 207.

4. SAMPATH S/O RAMASWAMY,
AGED ABOUT: 38 YEARS,
R/AT. KONDAPATTI VILLAGE,
MARAMPATTI POST,
UTANGERE TALUK,
KRISHNAGIRI DISTRICT,
TAMIL NADU.
PIN - 635 207.
 5. DEVAN S/O MUNIGA,
AGED ABOUT: 44 YEARS,
MANSON WORK,
R/AT. KONDAPATTI VILLAGE,
UTANGERE TALUK,
KRISHNAGIRI DISTRICT,
TAMIL NADU.
PIN - 635 207.
- PRESENTLY R/AT:
HARANAHALLI VILLAGE,
TQ: ARASIKERE,
DIST: HASSAN-573 103
6. MUTHURAM S/O VENKATESHAN,
AGED ABOUT: 40 YEARS,
R/AT: KONDAPATTI VILLAGE,
TQ: UTANGERE,
DIST: KRISHNAGIRI,
TAMIL NADU.
PIN:- 635207.
 7. G VENKATARAMAN S/O GOVINDAN,
AGED ABOUT: 49 YEARS,
R/AT: KONDAPATTI VILLAGE,
TQ: UTANGERE,

DIST: KRISHNAGIRI,
TAMIL NADU.
PIN:- 635207.

PRESENTLY R/AT:
CHANDAPURA VILLAGE,
TQ: MADDURU,
DIST: MANDYA.
PIN:- 560 099.

8. C KRISHNAN S/O CHINNAKOLANDAI,
AGED ABOUT: 40 YEARS,
R/AT: VENKATAPURAM VILLAGE,
NADAMPATTI POST,
UTANGERE TALUK,
KRISHNAGIRI DISTRICT,
TAMIL NADU.
PIN - 635 207.

9. M VENKATARAM S/O MUNIGA,
AGED ABOUT: 53 YEARS,
R/AT: KODAMPATTI VILLAGE,
MARAVATTI POST,
UTANGERE TALUK,
KRISHNAGIRI DISTRICT,
TAMIL NADU.
PIN - 635 207.

... PETITIONERS

(BY SRI HASMATH PASHA A/W SRI PRAKASH T.,
ADVOCATES)

AND

STATE OF KARNATAKA BY
BELLARY RURAL POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA

DHARWAD.

... RESPONDENT

(BY SRI K.NAGESWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C. SEEKING TO ENLARGE THE PETITIONERS ON BAIL IN S.C.NO.77/2014 IN CRIME NO.39/2014 OF RURAL P.S., BELLARY, FOR THE OFFENCES P/U/S 395 OF IPC PENDING BEFORE THE II-ADDL. SESSIONS JUDGE, BELLARY. BAIL APPLICATION FILED BY THE PETITIONERS U/S 439 OF CR.P.C. IN CRL.MISC.NO.555/2014, BEFORE THE PRL. SESSIONS JUDGE, BELLARY, HAS BEEN REJECTED.

THIS CRIMINAL PETITION COMING ON FOR ORDERS BEFORE PRINCIPAL BENCH BENGALURU, THE COURT MADE THE FOLLOWING:-

ORDER

Petitioners are accused in Crime No.39/2014 registered with Bellary Rural Police Station for offence punishable under Section 395 IPC. Hence, they have filed this petition under Section 439 Cr.P.C., seeking enlargement on bail.

2. Heard Sri. Hasmat Pasha for Sri T. Prakash learned counsel appearing for the petitioners, Sri K.

Nageshwarappa, learned HCGP for the respondent - State and perused the records.

3. Learned Counsel for the petitioners submits that the police are foisting false cases against them in various police stations. He submits that the petitioners are innocent and no way connected with the alleged offence said to have taken place within the jurisdiction of Ballary Rural Police Station. He further submits that in view of several cases having been cooked up against the petitioners, they are not in a position to attend different Courts as they are in custody. He submits that if bail is refused, they will be languishing in the jail in false cases.

4. Learned Counsel for the petitioners submits that this Court vide order dated 9.2.2015 in CrI.P.No.329/2015 has granted bail to the petitioners in respect of an offence said to have taken place in Crime

No.144/2013 within the limits of Bethamangala Police Station. No sooner than the petitioners were granted bail by this Court, the respondent in this case have arrested the petitioners in respect of a crime registered in the year 2014. He submits that this Court having considered all aspects of the matter has granted bail in CrI.P.No.329/2015 and prays that the petitioners be enlarged on bail on any stringent conditions that this Court may impose.

5. Per contra, learned HCGP opposes the petition and submits that the petitioners are involved in heinous offence and therefore not entitled for any bail. He also submits that the petitioners are habitual offenders and enlarged them on bail would be detrimental to the society.

6. Petitioners are admittedly involved in more than one case. However, this Court in

Crl.P.No.329/2015 for the reasons recorded therein has granted bail. Thereafter, the petitioners have been arrested in the present case. Learned counsel for the petitioners is right in his submission that since the petitioners are in detention, it would be difficult for them to attend the Courts at different places and effectively defend themselves. In the circumstances, in my opinion, it shall be appropriate to grant bail to the petitioners by imposing stringent conditions. Hence, I pass the following:-

ORDER

- (i) Petitioners shall be released on bail on their executing a personal bond for a sum of Rs.2,00,000/- each with two sureties, for the likesum to the satisfaction of the trial Court.
- (ii) Petitioners shall not directly or indirectly make any inducement, threat or promise to prosecution witness or any person acquainted with the facts of

the case, so as to dissuade him from disclosing such facts to the Court.

- (iii) Petitioners shall not manipulate or hold out threats to the prosecution witnesses in any manner.
- (iv) Petitioners shall not involve themselves in any criminal activities.
- (v) Petitioners shall attend the trial Court regularly on all the dates of hearing.

**Sd/-
JUDGE**

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