

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 31ST DAY OF AUGUST, 2015

BEFORE

THE HON'BLE MR. JUSTICE A.V.CHANDRASHEKARA

CRIMINAL PETITION NO.200880/2015

BETWEEN:

1. SULEMAN S/O HAJIBA TEGGI
AGE: 24 YEARS, OCC: COOLIE
2. SALEEM S/O NISAR SHEQ
AGE: 30 YEARS, OCC: COOLIE

BOTH ARE R/O MANAGULI
VILLAGE, TQ. B. BAGEWADI
DIST. VIJAYAPUR.

... PETITIONERS

(BY SRI. S.V. PATTANASHETTI, ADV.,)

AND:

1. THE STATE OF KARNATAKA
R/ BY ADDL. SPP KALABURAGI BENCH
(THROUGH MANAGULI P.S.
DIST. VIJAYAPUR)

... RESPONDENT

(BY SRI. P.S. PATIL, HCGP)

THIS CRL.P FILED U/S. 438 OF CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO, GRANT THE ANTICIPATORY BAIL TO THE PETITIONERS AND DIRECT THE MANAGULI POLICE TO RELEASE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN MANAGULI POLICE STATION CRIME NO: 127/2015 PENDING ON THE FILE OF J.M.F.C. BASAVANA BAGEWADI, WHICH IS REGISTERED FOR THE OFFENCES P/U/S. 143,147, 366, 504, 506, 109, 149 OF IPC AND SEC 12 OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012.

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

ORDER

Heard the learned counsel for the petitioners and learned HCGP, Mr.P.S.Patil. This is a petition filed under Section 438, Cr.P.C. seeking anticipatory bail.

2. Petitioners are accused nos.1 and 2 in a criminal case in Crime No.127/15 on the file of Managuli police station, Vijayapura District. The offences alleged against them are punishable under Sections 143, 147,366, 504, 506, 109 read with Section 149, I.P.C.

Apprehending arrest at the hands of the respondent police, they have filed this petition seeking anticipatory bail.

3. Learned HCGP has opposed bail on the ground that the case on hand relates to the abduction of a minor girl by these petitioners for the purpose of marriage with the 1st petitioner who is 1st accused. Hence he requests this court to dismiss the petition.

4. As could be seen from the records, a case has already been registered against six persons in a criminal case in Crime No.126/15 for the offences punishable under Sections 143, 147, 148, 448, 324, 325, 504 read with Section 149, I.P.C. relating to trespassing into the house of the petitioners and assaulting them and abusing them. This case, according to the learned counsel for the petitioners, is a counter-blast to Crime No.126/15. Anyhow similarly placed accused have

already been released on bail in Cr1.Misc.662/15 by the sessions judge, Vijayapura, on 6.8.2015. Thus the apprehension of the learned HCJP could be met by imposing suitable conditions.

5. Accordingly, the petition filed under Section 438, Cr.P.C. is allowed and anticipatory bail is granted to the petitioners, subject to the following conditions:

- a) Petitioners shall surrender before the jurisdictional police station on or before **15.9.2015** and in such event, they shall be released on anticipatory bail on executing a personal bond in a sum of Rs.75,000/- each with one surety for the like sum to the satisfaction of the jurisdictional police;
- b) They shall co-operate with the police in conducting further investigation;
- c) They shall not hold out threats to the prosecution witnesses or lure them in any manner;

- d) They shall not involve in any criminal activities; and
- e) They shall attend the respondent police station once in a month on every second Sunday between 9.00 a.m. and 5.00 p.m. till the final report is filed.

**Sd/-
JUDGE**

vgh*