

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31st DAY OF MARCH 2015

BEFORE

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

CRIMINAL PETITION NO.1734/2015

BETWEEN:

SATHYAVELU
S/O BHARNAD
AGED ABOUT 22 YEARS
R/AT VENKATAPPA LAYOUT
ULLALU UPANAGARA
YESHWANTHPURA HOBLI
BENGALURU-560001

... PETITIONER

(By Sri: MOHAN KUMAR &
SRI: MURTHY M V, ADVS.)

AND:

STATE OF KARNATAKA
BY THAVAREKERE POLICE STATION
RAMANAGARA DISTRICT
REP BY GOVERNMENT PLEADER
HIGH COURT OF KARNATAKA
BENGALURU-560001

... RESPONDENT

(By Sri: B.J.ESHWARAPPA, HCGP)

CRL.P FILED U/S.439 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN C.C.NO.1469/2015 (CR. NO.832/2014) OF TAVAREKERE P.S., RAMANAGARA, FOR THE OFFENCE P/U/S 143,147,148,302 AND 120B R/W 149 OF IPC AND ETC.

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

O R D E R

This petition is filed under Section 439 of Cr.P.C. seeking regular bail in respect of a case registered against the petitioner in Cr.No.832/2014 by Tavarekere Police Station. Offences are punishable under Sections 143, 147, 148, 302, 120B read with 149 of IPC. After concluding investigation charge sheet has been filed.

2. Bail application filed on behalf of the petitioner has already been dismissed by the Court of the Principal Sessions Judge, Bengaluru on 13.3.2015 in Crl.Misc.Case No.278/2015.

3. Learned Government Pleader has vehemently opposed the bail application on the ground that accused Nos.7 and 8 had conspired along with other accused to eliminate the deceased

Mohamad Pyaru @ Sheru who was coming on motorcycle on 27.11.2014 near Bassaveshwar Extension Circle. He has requested the Court to dismiss the bail application. He has further argued that *prima facie* case is forthcoming against the petitioner.

4. Heard the learned counsel for the petitioner and learned Government Pleader. Perused the records.

5. The allegation against the accused Nos.1 to 6 is that they assaulted the deceased Pyaru @ Sheru with choppers at about 9.05 p.m. on 27.11.2014. The allegation against this petitioner/accused No.8 and accused No.7 is that they had conspired with other accused in committing the murder of the deceased Pyaru @ Sheru. The fact of conspiracy has to be established at the time of trial.

6. Investigation has been completed and charge sheet has been filed. The petitioner is a permanent resident having roots in the community. He has undertaken to obey any conditions imposed on him. Thus, the apprehension of the learned

Government Pleader could be suitably met with by imposing certain conditions

7. In this view of the matter, petition is allowed and bail is granted to the petitioner, subject to the following conditions:-

- a) Petitioner shall be released on bail on executing a personal bond in a sum of Rs.1,00,000/- with one surety, for the likesum to the satisfaction of the concerned Sessions Judge/JMFC.
- b) Petitioner shall not tamper or attempt to tamper any of the prosecution witnesses.
- c) Petitioner shall not hold out threats to the prosecution witnesses or lure them in any manner.
- d) Petitioner shall not involve in any criminal activities.
- e) Petitioner shall attend the Sessions Court regularly on all dates of hearing and shall co-operate with the learned Sessions Judge to hold the trial.

- f) Petitioner shall mark attendance at the Jurisdictional Police Station on every Sunday between 9 a.m. to 5 p.m. from the date of his release without fail till the case is concluded.
- g) If the petitioner violates any one of the conditions, the prosecution is at liberty to seek for cancellation of bail.

**Sd/-
JUDGE**

DM