

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL 2015

BEFORE

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

CRIMINAL PETITION NO. 1748 OF 2015

BETWEEN:

D.K.RAGHU @ RAGHAVENDRA RAO
S/O. DEVAKUMAR K.SHINDE
AGE: 23 YEARS
RESIDENT OF NO.176
12TH MAIN, AGRAHARA DASARAHALLI
BENGALURU – 560 079

... PETITIONER

(BY SRI.BHARGAV N, ADV)

AND:

THE STATE OF KARNATAKA BY
KAMAKSHIPALYA POLICE STATION
BENGALURU – 560 079

REPTD., BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 560 001

... RESPONDENT

(BY SRI B.J.ESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CRPC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN S.C.NO.1030/2013 ON THE FILE OF P.O., F.T.C – XV BANGALORE AND CR.NO.659/2012 OF KAMAKSHIPALYA P.S., BANGALORE CITY, FOR THE OFFENCE P/U/S 143, 147, 148, 149, 302 R/W 34 OF IPC.

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

ORDER

Heard the learned counsel for the petitioner and learned Government pleader.

2. The petitioner is accused No.2 in a case bearing Cr.No.659/2012 on the file of Kamakshipalya Police Station. After concluding the investigation, charge sheet has been filed for the offences punishable under Sections 143, 147, 148, 302 r/w 149 of IPC. He is in judicial custody since 30.11.2012. He has undertaken to obey any conditions which may be imposed on him.

3. The case on hand relates to the murder of one Venugopal @ Venu by this petitioner and other accused. After

assaulting him recklessly with deadly weapons like long they caused his murder at about 10:30 a.m. on 28.11.2013 in front of Vastare In Pinks shop.

4. Learned High Court Government Pleader has vehemently opposed the bail application on the ground that prima facie case is forth coming in regard to the participation of this petitioner along with other accused in assaulting Venugopal and he fell down due to the impact of the assault made by accused No.3 - Gigabyte and accused No.1. He has further argued that if the petitioner is let on bail, he is likely to terrorize the witnesses and committe similar type of offences.

5. Heard the learned counsel for the petitioner and perused the records.

6. Entire investigation has been completed and charge sheet has been filed. As could be seen from the records, the deceased was chased by accused No.3 and he gave a fatal blow on the shoulder of the deceased and as a result of the same, he fell down. Then all the

accused assaulted the deceased with longs and caused multiple injuries. From the statement of material witnesses recorded on 29.11.2012, relating to Sagar and Manish, it is forthcoming that main assault was made by accused No.3. Petitioner is stated to be a Book Publisher and he does not have any criminal antecedents. He is a permanent resident of Bangalore, having roots in the community. Thus, the apprehension of the learned Government Pleader could be suitably met with by imposing proper conditions.

7. In this view of the matter, petition is allowed and the petitioner is ordered to be released on bail, 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 concerned Court.
- 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 his attendance at the respondent - Police Station on every Sunday between 9 a.m. to 5 p.m. till the case registered against him is disposed of.
- g) If the petitioner violates any one of the conditions, the prosecution is at liberty to seek for cancellation of bail.

Sd/-
JUDGE

HJ