

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28<sup>th</sup> DAY OF MAY 2015

BEFORE

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

CRIMINAL PETITION No.2806/2015

BETWEEN:

Sri.Kaviraj @ Raj @ Prem  
S/o Dhan Bharat Raj  
Aged about 34 years  
R/o Krishna Layout  
Begur, Bangalore-560 072.

...PETITIONER

(By Sri. Shankarappa, Adv.)

AND:

State of Karnataka  
By Tilak Nagar police station  
Bangalore-560 041.

... RESPONDENT

(By Sri.K.Nageshwarappa,HCGP)

This Crl.P. is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Cr.No.34/2007 of Tilaknagar P.S., Bangalore, for the offences p/u/Ss.302, 120-B r/w 34 of IPC and 3, 25 of Arms Act.

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

## **ORDER**

The petitioner is calling in question the order dated 27.04.2015 in S.C.No.1112/2014 on the file of Presiding Officer, FTC-7, Bangalore city, rejecting his application for grant of bail.

2. Heard Sri.Shankarappa, learned counsel appearing for the petitioner and Sri.K.Nageshwarappa, learned HCGP for respondent-State.

3. The learned counsel for petitioner submits that a case in Cr.No.34/2007 was registered with Tilak Nagar Police station on 15.02.2007 for offences punishable under Sections 302, 307 of IPC and Sections 3 and 25 of the Arms Act against unknown persons. After investigation, the respondent-police filed a final report against 18 persons. 17 out of 18 accused are now on bail. He submits that the petitioner was also granted bail twice by the trial court and once by this Court vide order dated 09.08.2008 in Crl.P.No.2295/2007. He submits that in view of the fact that petitioner's father was indisposed and subsequently, passed away

in his home town namely, Hrishikesh, the petitioner was not able to be present before the trial court during trial, resulting in the trial court issuing NBW, pursuant to which, the petitioner was arrested and confined to prison.

4. Learned counsel for the petitioner further submits that the petitioner's wife is suffering from cardiac ailment and she has a child aged about six months. He submits that the petitioner is the only bread winner in the family and his detention is adversely affecting the livelihood of entire family. He prays that the petitioner be enlarged on bail and undertakes to abide by any conditions that this Court may impose.

5. Per contra, learned HCGP opposes the petition and submits that the petitioner has been absenting himself before the trial court and though the trial court had granted bail on two occasions and this Court had granted bail as aforementioned, the petitioner has not availed the benefit of the said orders and in

defiance of bail order, he has been absconding. Accordingly, he prays for dismissal of the petition.

6. The learned HCGP is right in his submission that the petitioner was granted bail on three occasions and the petitioner has not been attending the trial compelling the trial court to split up the case in S.C.No.8/2009. The offences alleged against the petitioner are serious in nature and the petitioner has not been respecting the orders of the Court.

7. The wife of the petitioner and her baby child are also present before this Court.

8. In view of the fact that 17 out of 18 accused are on bail, I deem it appropriate to grant one more opportunity to the petitioner by imposing the conditions as mentioned herein below.

9. In the result, I proceed to pass the following order:-

- (i) The petition is allowed.
- (ii) The petitioner shall be released on bail on his executing a personal bond for a sum of

Rs.1 lakh with two like sum sureties and an unencumbered immovable property belonging to the petitioner's family valued more than Rs.2,00,000/- situated in Bengaluru.

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

Sd/-  
JUDGE

Srl.