

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY, 2016

BEFORE

THE HON'BLE MR. JUSTICE K.N.PHANEENDRA

CRIMINAL PETITION NO.3570 OF 2016

BETWEEN

1. MANI @ MANIKANTARAJU
S/O. RAJU
AGED ABOUT 34 YEARS
RESIDING AT NO:HOSA TIRUMAKOODALU
T NARSIPURA TOWN
MYSORE DISTRICT
PIN CODE- 571 124.
2. YOGI @ YOGESHA D
S/O. DORESWAMY
AGED ABOUT 36 YEARS
RESIDING AT BAGALI VILLAGE
SARTHEMARALLI HOBLI
CHAMARAJANAGAR TALUK
CHAMARAJANAGAR DISTRICT
PIN CODE – 571 313.
3. ASHOKA @ M.R.RAGAVENDRA
S/O. D. RAMASHETTY
AGED ABOUT 35 YEARS
RESIDING AT MUGUR VILLAGE
T NARSIPURA TALUK
MYSORE DISTRICT
PIN CODE – 571 124.

...PETITIONERS

(BY SRI.MANJUNATHA.N, ADVOCATE)

AND

STATE OF KARNATAKA
REPRESENTED BY T NARSIPURA

POLICE STATION
T NARSIPURA TOWN
MYSORE DISTRICT
PIN CODE – 571 124.
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
BANGALORE – 560 001.

...RESPONDENT

(BY SRI.S.VISHWAMURTHY, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.111/2016 OF T.NARASIPURA P.S., MYSURU FOR THE OFFENCES P/U/S 307, 504 R/W 34 OF IPC.

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

ORDER

The first information report discloses that the accused persons had grouse against the complainant by name Sandesh on the ground that he has been giving information to the police against the accused persons with regard to transportation of sand. In this context, it is alleged that on 17.04.2016 at about 11.30 a.m., all the accused persons formed unlawful assembly holding chopper and iron rods etc., and attempted to assault the complainant but, he rescued himself from the said assault. Further, it is stated that the accused persons have assaulted him with their hands.

2. Looking to the above said facts and circumstances, the nature of allegations and the gravity of offence, the complainant never said that he has suffered any injury. On the other hand, it is very difficult to draw any inference with regard to attraction of provision under Section 307 of Indian Penal Code and the same has to be proved beyond all reasonable doubt at the time of trial. In the above circumstance, when there is no injury caused to anybody and no damage has occurred and further as could be seen from the first information report, all the accused persons have thrown the deadly weapons and have ran away from the spot, there is no question of recovery at the instance of the petitioner.

3. Therefore, I am of the opinion that the petitioners have made out a case for grant of anticipatory bail. Hence, the following:

ORDER

The petition is allowed. The petitioners are ordered to be released on bail in the event of their arrest in connection with Cr.No.111/2016 for the offences punishable under Sections

307 and 504 read with Section 34 of Indian Penal Code
subject to the following conditions:

- i) The petitioners shall execute a personal bond for a sum of Rs.50,000/-(Rupees Fifty Thousand Only) each with one surety each for the likesum to the satisfaction of the Investigating Officer.
- ii) The petitioners shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- iii) The petitioners shall appear before the Investigating Officer within one week from the date of receipt of this order
- iv) The petitioners shall appear before the Investigating Officer on all the future hearing dates and as and when required for the purpose of investigation and interrogation.
- v) The petitioners shall mark their attendance once in a week on every Sunday between 10.00 a.m. to 5.00 p.m. before the Investigating Officer till the filing of the charge sheet or for a period of three months whichever is earlier.

**Sd/-
JUDGE**

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