

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF DECEMBER, 2016

BEFORE

THE HON'BLE MR. JUSTICE K SOMASHEKAR

**CRIMINAL PETITION NO.8880/2016**

BETWEEN:

1. SRI. RAJANI.M  
S/O MAHADEVAIAH,  
AGED ABOUT 23 YEARS,  
R/AT NO.46, ANJANEYA TEMPLE ROAD,  
IST MAIN, 4TH CROSS,  
INDIRANAGARA, DODDAMARALAVADI,  
THERU BEEDI ROAD, KANAKAPURA TALUK,  
RAMANAGARA DISTRICT-570045
2. SRI MAHADEVASWAMY @ MADEVA @  
SARAKKIMAHESH  
S/O KALAMADEGOWDA,  
AGED ABOUT 26 YEARS,  
R/AT NO.3, 36TH MAIN ROAD,  
15TH CROSS, NEAR AYYAPPASWAMY TEMPLE,  
J.P.NAGARA, 6TH STAGE, BANGALORE-560078
3. SRI GANGADHARA @ GANGA  
S/O SIDDAPPA,  
AGED ABOUT 24 YEARS,  
R/AT NO.10, 2ND CROSS, YALACHENAHALLI,  
KANAKAPURA MAIN ROAD, BANGALORE-560057
4. SRI KEMPEGOWDAN @ KIRANA@KUUNTA  
S/O LATE SHIDLEGOWDA,  
AGED ABOUT 23 YEARS,

R/AT KUPPAREDDY ROAD,  
ANJANEYA TEMPLE ROAD,  
KANAKAPURA ROAD, THATHAGUNI,  
BANGALORE-560057

... PETITIONERS

(BY SRI: RAJANNA C, ADV.)

AND:

STATE OF KARNATAKA  
BY SUBRAMANYAPURA POLICE STATION,  
BANGALORE CITY,  
REPRESENTED BY ITS P.P,  
HIGH COURT BUILDING,  
BANGALORE-560001

... RESPONDENT

(BY SRI:K NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN CR.NO.210/2016 OF SUBRAMANYAPURA P.S., BANGALORE FOR THE OFFENCE P/U/S 143,144,147,148,302,364,120B R/W 149 OF IPC.

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

### **ORDER**

Petitioner Nos.1, 3 and 4 who are accused Nos.5, 12 and 13 have filed this petition under Section 439 of Cr.P.C in Crime No.210/2016 of Subramanyapura Police Station, Bengaluru for alleged offence punishable under Sections

143, 144, 147, 148, 302, 364, 120B read with 149 of IPC. Therefore counsel for the petitioners is seeking for regular bail as they are arrayed as accused Nos.5, 12 and 13 in the alleged crime. Hence, this petition among the grounds urged therein.

2. Learned Counsel for the petitioners file a memo seeking permission to withdraw the petition as against petitioner No.2 who is accused No.11. Hence the petition as against petitioner No.2 who is accused No.11 is dismissed as withdrawn. Accordingly ordered.

3. Heard learned counsel for petitioners and learned HCGP for respondent.

4. Learned counsel for petitioners during the course of his arguments has contended that accused are innocent persons and they have not at all committed alleged offence, despite of it they have been implicated in this case on the basis of complaint filed by the complainant. It is further contended that petitioners were not at all present

at the scene of offence and there is no nexus between the murder of one Madesh and between these petitioners. The petitioners-accused are the only earning member in the family eking out the livelihood of dependants. It is further contended by the counsel for petitioners that petitioners are the permanent abode of Bengaluru City. Accused hails from a respectable family and have deep roots in the society and more over accused are ready to abide any terms and conditions imposed by this court. Therefore counsel is praying for considering the grounds urged in this petition and for granting bail.

5. Per contra, learned HCGP for respondent has taken the contention case against accused in Crime No.210/2016 for the alleged offence. It has been recorded by the police that on the complaint filed by the complainant, the petitioners have been arrested and they are in judicial custody since from the date of arrest. He further submits that there is prima facie material against the petitioners and hence, they does not deserve for bail.

Therefore learned HCGP prays for considering the statement of objections and case came to be registered in Criminal Misc. No.8176/2016 which is filed before the LIX Additional City Civil and Sessions Judge, Bengaluru City, and prays for rejecting the petition.

6. Keeping in view the contentions taken by the counsel for the petitioners as well as the learned HCGP, it is relevant to note that subsequent to registration of case, it is under investigation and it requires for recording statement of witnesses and conducting mahazar and collecting material documents. Allegations made in the complaint therefore at this stage does not require detailed discussion while considering bail petition filed by accused. Learned HCGP submits if accused are released on bail certainly they would come in the way of the prosecution case and destroy evidence. The apprehension of learned HCGP could be suitably met with, by imposing suitable conditions to safeguard the interest of the prosecution.

7. Therefore for the aforesaid reasons as well as in the circumstances, I am of the considered opinion that the accused deserves bail. Hence, I proceed to pass the following:

**ORDER**

The Petition is hereby allowed subject to following conditions:

- (i) Petitioners-accused Nos.5, 12 and 13 are released on bail on execution of a personal bond for a sum of Rs.1,00,000/- each with one surety for the likesum to the satisfaction of the LIX Additional City Civil and Sessions Judge, Bengaluru in Cr.No.210/2016 of CC No.15213/2016.
- (ii) They shall co-operate with the investigating officer during the course of investigation.
- (iii) They shall not tamper or hamper the case of the prosecution witnesses.
- (iv) They shall mark their attendance once in fortnight as per English monthly calendar between 10.00 a.m. and 5.00 p.m. for a period of three months.

- (v) They shall not indulge in criminal activities.
- (vi) If they violates any of the above conditions, the bail granted shall automatically stands seized.

Sd/-  
JUDGE

\*bgn/-