

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.9559/2016

**BETWEEN:**

1. DEVARAJAGOWDA  
S/O PUTTEGOWDA  
AGED ABOUT 65 YEARS  
R/AT HONNAVALLI VILLAGE  
KASABA HOBLI  
ARAKALGUDU TALUK  
HASSAN DISTRICT-573201
2. CHANNARAJU  
S/O DEVARAJEGOWDA  
AGED ABOUT 44 YEARS  
R/AT HONNAVALLI VILLAGE  
KASABA HOBLI  
ARAKALGUDU TALUK  
HASSAN DISTRICT-573201.      ... PETITIONERS

(By Sri. GIRISH B BALADARE, ADV.)

**AND:**

STATE  
BY ARAKALGUDU POLICE  
ARAKALGUD TALUK  
HASSAN DISTRICT  
REPRESENTED BY  
PUBLIC PROSECUTOR

HIGH COURT BUILDING  
BANGALORE-01.

... RESPONDENT

(By Sri. K.NAGESHWARAPPA, HCGP)

THIS CRL.P IS FILED U/S.438 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO ENLARGE THE PETR. ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.258/2016 OF ARAKALAGUD P.S., HASSAN DISTRICT FOR THE OFFENCE P/U/S 506, 341, 323, 324, 504, 307, 354 R/W 34 OF IPC.

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

**ORDER**

This petition is filed by petitioners-accused under Section 438 of Cr.P.C in Crime No.258/2016 of Arakalgud Police Station, for the alleged offences punishable under Sections 506, 341, 323, 324, 504, 307 and 354 read with Section 34 of IPC. Later on, Section 307 of IPC has been added in the same crime number. Therefore, petitioners are seeking for anticipatory bail in the event of their arrest among the grounds urged therein.

2. Heard learned counsel for the petitioners and learned HCGP for the respondent.

3. During the course of arguments, learned counsel for petitioners contended that the accused are innocent persons and they have not at all committed the alleged offence. Subsequent to filing of the complaint, a case came to be registered by the respondent/police with an oblique motive and they are making hectic efforts to arrest the accused, though the ingredients do not constitute an offence under Section 307 of IPC. The anticipatory bail petition has been rejected by the Court below without assigning proper reasons. The petitioners hail from respectable family. Moreover, the accused are ready to abide by any terms and conditions imposed by this Court. Therefore, learned counsel is praying for considering the grounds urged in this petition and for grant of bail.

4. Per contra, learned HCGP for the respondent submitted that there are prima facie material against the

accused to commit the offence as the accused have inflicted injuries to the accused. It is based upon the averments of the complaint. Later on, Section 307 of IPC has been added. It has been recorded by the police that the petitioners are absconding and there is a prima facie against accused for commission of offence. Therefore, Court below has rejected the bail petition of the accused. Learned High Court Govt. Pleader submits that if the accused are released on bail, certainly they would come in the way of the prosecution case and destroy the evidence.

5. Having regard to the submissions of the learned counsel for the petitioners/accused and learned High Court Govt. Pleader, it is relevant to consider that a case has been registered against the accused persons for the alleged offence punishable under Sections 506, 341, 323, 324, 504, 307 and 354 read with Section 34 of IPC. Later on, Section 307 of IPC has been added in the same crime number. However, subsequent to registration of the 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. The apprehension of learned Govt. Pleader could be suitably met with, by imposing appropriate conditions to safeguard the interest of the prosecution.

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

### **ORDER**

The Petition is hereby allowed subject to following conditions:

- (i) Petitioners-accused shall appear before the Investigating officer in Crime No.258/2016 of Arakalgud Police Station within 20 days from the date of receipt of a copy of this order, by executing a

personal bond for a sum of ₹50,000/- each (Rupees fifty thousand only) with one surety each, for the like sum to the satisfaction of the I.O in the event of their arrest.

- (ii) Petitioners-accused shall co-operate with the investigating officer during the course of investigation.
- (iii) Petitioners-accused shall not tamper or hamper the case of the prosecution witnesses.
- (iv) Petitioners-accused shall not indulge in any criminal activities.

**Sd/-  
JUDGE**

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