

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28th DAY OF February, 2017

BEFORE

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

CRIMINAL PETITION No.9802/2016

BETWEEN:

Santhosh @ Santhu
S/o Chennegowda
Aged about 33 years
R/at. Soundarahalli Village
Shanthigrama Hobli
Hassan Taluk – 573220.

...Petitioner

(By Sri. Rahul Rai K, Advocate)

AND:

The State of Karnataka
Through Hassan Extension
Police Station, Hassan District
Represented by its State Public Prosecutor
High Court Building
Bangalore-560001.

.... Respondent

(By Sri. S. Vishwa Murthy, HCGP,)

This Criminal Petition is filed Under Section 439 of the Code of Criminal Procedure praying to enlarge the petitioner on bail in CR.No.274/2015 of Hassan Extn., P.S., Hassan for the offences P/U/Ss. 143, 144, 147, 148, 120-B, 302, 307 r/w 149 of IPC.

This petition coming on for orders, this day the court made the following:

ORDER

This petition under Section 439 of Cr.P.C. is filed seeking enlargement of petitioner on regular bail in Crime No.274/2015 registered in Hassan Extension Police Station for offences punishable under Sections 143, 144, 147, 148, 120-B, 302, 307 r/w 149 of IPC. The police, after investigation have filed the charge sheet.

2. Case of the prosecution is that on 12.12.2015, the petitioner and other six accused had formed an unlawful assembly and assaulted one person namely Pramod and committed his murder and inflicted grievous injuries upon the eyewitness Chandrashekar.

3. Shri.Rahul Rai K., learned Counsel for the petitioner arguing in support of the petition contended that accused Nos. 3 to 7 have already been granted bail

by this Court on 09.12.2016, 16.12.2016, 29.11.2016, 01.12.2016 & 06.10.2017 in CrI.P.Nos.9222/2016, 3547/2016, 8213/2016, 3548/2016 & 3642/2016 respectively. He further submits that the allegation against the petitioner-accused No.1 is that he assaulted the eyewitness Chandrashekar, which resulted in severance of his forearm. He argued that allegations alleged against other accused are no different and accordingly, prays for allowing this petition on the ground of parity.

4. Opposing the bail petition strongly, the learned HCGP submits that accused No.1 has caused grievous hurt. He, therefore, prays for dismissal of this petition.

5. I have carefully considered the submissions of the learned Counsel for the petitioner, learned HCGP & perused the material papers.

6. Although, the petition is opposed by the prosecution on the aforementioned ground, the fact remains that accused Nos.3 to 7 have already been granted bail by this Court. The allegations contained in the charge sheet are more or less similar as against petitioner and other accused. In the circumstances, by applying the rule of parity, the petitioner is entitled for bail. Therefore, in my view, this petition merits consideration and deserves to be allowed. Accordingly, it is directed that:

- (i) Petitioner shall be released on bail in Crime No.274/2015 registered in Hassan Extension Police Station, upon his executing a self bond for a sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the jurisdictional Court;
- (ii) Petitioner shall co-operate with the Investigating Officer during the further course of investigation, if any and

appear before him as and when called upon;

- (iii) Petitioner 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 or investigating officer;
- iv) Petitioner shall not involve himself in any criminal activities; and
- (v) If the petitioner violates any one of the conditions, the prosecution shall be at liberty to seek cancellation of bail.

Petition ***allowed.***

**SD/-
JUDGE**

Srl.