

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY 2018

BEFORE

THE HON'BLE MR.JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION NO.2494/2018

BETWEEN:

Kumara B S
Son of Shivanna,
Aged about 27 years,
Presently r/at Megala Beedhi,
Kanakapura Town,
Ramanagara Dist. – 572 107.

And Permanent resident of
Badesabaradoddi Village,
Medamararana halli Post,
Harohalli Hobli,
Kanakapura Taluk,
Ramanagara District – 572 107.

... Petitioner

(By Sri. B.C. Rajanna, Advocate)

AND:

State of Karnataka
By Harohalli Police Station.
Ramanagara District
Reptd. by
Special Public Prosecutor,

High Court of Karnataka,
Bengaluru – 560 001.

... Respondent

(By Sri. K. Nageshwarappa, HGCP)

This Criminal Petition is filed under Section 439 CR.P.C praying to enlarge the petitioner on bail in Cr. No.476/2017 of Harohalli Police Station, Ramanagara for the offence p/u/s 120(B), 302 and 201 r/w 34 of IPC.

This Criminal Petition coming on for orders, this day, the Court made the following:

ORDER

This petition is filed on behalf of Accused No.1 in Crime No.476/2017 for the offences punishable under Sections 120-B, 302 and 201 read with Section 34 of IPC.

2. Heard the learned counsel for the petitioner and the learned High Court Govt. Pleader.

3. Learned High Court Govt. Pleader has not filed any statement of objection, but has orally opposed the petition.

4. Learned counsel for the petitioner submits that common allegations are made against Accused Nos.1 to 4 and after submission of chargesheet, Accused No.4 has approached this Court and obtained an order of bail dated 28.03.2018 in Criminal Petition No.1027/2018. The petitioner stands on the same footing.

5. On perusal of the charge-sheet papers and the allegations made therein, it is seen that common allegations are made against Accused Nos.1 to 4 alleging that Accused Nos.1 to 3 conspired to kill the deceased and in pursuance thereof, on 08.10.2017, Accused Nos.1 to 4 carried the deceased in a Tata Sumo bearing Registration No.KA-51/9069 and

Accused Nos.1 to 3 assaulted the deceased with deadly weapons and thereafter, burnt the clothes to cause disappearance of the evidence of the murder. Charge sheet is filed. The present petitioner stands at par with the other accused. Therefore, he is entitled for bail on parity.

6. Taking into consideration all the above facts and circumstances of the case, the petition is allowed subject to following conditions:

- a. The petitioner is ordered to be enlarged on bail on furnishing a bond in a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for the like sum to the satisfaction of the jurisdictional Court;
- b. The petitioner shall appear before the Court as and when summoned;

- c. The petitioner shall not threaten or allure the prosecution witnesses in any manner;
- d. The petitioner shall not leave the jurisdiction of the Trial Court without prior written permission.

**SD/-
JUDGE**

bnv*