

IN THE HIGH COURT OF KARNATAKA AT BENGALURU**DATED THIS THE 31ST DAY OF OCTOBER, 2019****BEFORE****THE HON'BLE MR.JUSTICE K. N. PHANEENDRA****CRL.P. NO. 7483/2019****BETWEEN**

1. SUBRAMANI @ SUBBU
S/O NAGESHWARA RAO
AGED ABOUT 23 YEARS
RESIDING AT RAILWAY QUARTERS
TARIKERE AT AND POST
CHIKKAMAGALUR TQ. & DIST.- 577 101

2. MANJUNATHA. C @ KORE MANJA
S/O LATE CHANDRAPPA
AGED ABOUT 36 YEARS
AGRICULTURIST
RESIDENT OF UPPARA
BASAVANAHALLI, KODI CAMP
GONIKATTE
TARIKERE AT AND POST
CHIKKAMAGALURU DIST. - 577 101

... PETITIONERS

(BY SRI. GIRISH B. BALADARE, ADVOCATE)

AND

STATE BY TOWN POLICE TARIKERE
TARIKERE, BENGALURU
REP. BY PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 560 001

... RESPONDENT

(BY SRI. ROHITH B.J., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN CR.NO.213/2019 REGISTERED BY TARIKERE TOWN POLICE STATION, CHIKKAMAGALURU FOR THE OFFENCE P/U/Ss. 504, 506 AND 307 R/W 34 OF IPC.

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

ORDER

Heard the learned counsel for the petitioners (A2 & A3) and the learned HCGP for the Respondent -State. Perused the records.

2. The petitioners are arraigned as Accused Nos. 2 & 3 in Crime No. 213/2019 of Tarikere Town Police Station for the offence punishable under Sections 504, 506, 307 r/w. 34 of IPC, now pending on the file of Principal Civil Judge (Sr.Dn.) & CJM Court, Tarikere, Chikkamagalur District.

3. The brief facts of the case are that, on 15.09.2019 at about 2.30 p.m., when the complainant/injured Krishna and his friends went to Veerabhadreshwara Petrol Bunk situated in front of SJM College at Tarikere. After got filling the petrol, the complainant and his friends were proceeding. In fact, the

other accused persons followed them on their motor cycles and in fact one of the accused Srinivas (A1) stabbed with a sharp edged weapon on the left side stomach of the complainant-Krishna. There is no allegation of whatsoever so far as the petitioners (A2 & A3) are concerned. It is also submitted that the petitioners (A2 & A3) have already been arrested and since the date of their arrest, they are in judicial custody. At this stage, there is no material to show, whether the petitioners (A2 & A3) also shared intention with Accused No.1 to stab the complainant and therefore, that aspect has to be established by the prosecution during the course of full-dressed trial. When no overt act is alleged against these petitioners (A2 & A3) in order to attract Section 307 of IPC, in my opinion, they are entitled to be enlarged on bail, particularly under Section 439 of Cr.PC. Hence, the following,-

ORDER

The Petition is **allowed**. Consequently, the petitioners (A2 & A3) shall be released on bail in connection with Crime No.213/2019 of Respondent-Tarikere Police Station for the alleged offences, now pending before the Court of Principal Civil Judge (Sr.Dn.)

and CJM Court Tarikere, Chikkamagalur District, subject to the following conditions:

- (i) The petitioners shall execute their personal bonds for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety each for the like-sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioners shall not tamper the prosecution witnesses.
- (iii) The petitioners shall appear before the jurisdictional Court on all future hearing dates unless exempted by the Court for any genuine cause.
- (iv) The petitioners shall not leave the jurisdiction of the trial Court without prior permission, till the case registered against them is disposed of.
- vi) The petitioners shall mark their attendance once in a week ie., on every Sunday between 10.00 am and 5.00 p.m., till filing of the charge sheet or for a period of two months, whichever is earlier.

Sd/-
JUDGE

KGR*