

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH 2020

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION NO.1799 OF 2020

BETWEEN:

SRI. SRIDHAR S
SON OF SHIVAJI ROA
AGED ABOUT 27 YEAWRS
R/AT NO.7, 7TH CROSS
80 FEET ROAD,
SUBBAIAHNA PALYA
M.S. NAGAR LPOST
BENGALURU 560033

...PETITIONER

(BY SRI: DILRAJ ROHIT SEQUEIRA)

AND:

THE STATE OF KARNATAKA
BY. K.R. PURAM POLICE STATION
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560001.

...RESPONDENT

(BY SRI: R.D. RENUKARADHYA, HCGP)

THIS CRL.P IS FILED U/S.439 CR.P.C PRAYING TO
ENLARGE THE PETITIONER ON BAIL IN CR.NO.52/2020 OF

K.R.PURAM POLICE STATION, BENGALURU CITY FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 302, 307, 120B, 212 R/W 34 OF IPC.

THIS CRL.P COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

Heard learned counsel for petitioner and learned HCGP. Learned HCGP has not filed any statement of objections but has orally opposed the petition.

2. Learned counsel for petitioner contends that solely on the basis that the petitioner herein flew with accused No.1 to Andaman, he has been implicated in the alleged offence. The material collected by the investigating agency does not indicate that petitioner had any prior knowledge of commission of the offence by accused No.1. It is submission of the learned counsel that the averments made in the complaint as well as material collected during investigation prima-facie disclose that the deceased was done to death by accused No.1 alone without any aid or abetment by the petitioner. The statement of accused No.1 also indicates that she herself had booked the ticket to go

to Andaman with the petitioner. Under the said circumstances, there is no prima-facie material to show the complicity of the petitioner in the alleged offence and thus seeks his release on bail.

3. I am afraid, at this juncture, this court cannot proceed with the assumption that the petitioner/accused No.2 had no knowledge whatsoever about the commission of the offence by accused No.1. as the matter is under investigation. However, the material on record indicate that petitioner and accused No.1 were in live-in relationship. Under the said circumstances, until necessary evidence is collected by the investigating agency to show that the petitioner had knowledge of commission of offence by accused No.1, it may not be proper to extend the custody of the petitioner. Moreover, it is submitted that the petitioner is pursuing the 1st semester MBA. Hence, with a view to facilitate the petitioner to pursue his studies and also to safeguard the interest of the investigating agency, the petitioner is directed to be enlarged on bail for a period of six months from today.

4. Accordingly, the criminal petition is **allowed**.

- a) Petitioner/accused No.2 is ordered to be enlarged on bail for a period of six months from today on furnishing a bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the jurisdictional court.
- b) He shall cooperate in the investigation and shall appear before the investigating agency as and when summoned.
- c) He shall not leave the territorial limits of K.R. Puram Police station, Bengaluru and the limits of the Trial Court until submission of the final report.
- d) He shall mark his attendance in K.R. Puram police station on the 1st and 15th of every calendar month during working hours until submission of the final report.

e) After expiry of period of six months', the petitioner shall move a fresh application before the trial court for bail and the same shall be considered in the light of the final report by the investigating agency and any other changed circumstances.

Sd/-
JUDGE

*mn/-