

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL 2020

BEFORE

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

CRIMINAL PETITION No.2195/2020
C/W
CRIMINAL PETITION No.2199/2020

Crl.P.No.2195/2020:

BETWEEN:

RUDRAPRAKASH S.U.
S/O.VEERABHADRAIAH
AGED ABOUT 31 YEARS
R/AT FLAT NO.601, D BLOCK
ETA GARDEN, BINNIPETE
BENGALURU 560 052 ...PETITIONER

(BY SRI C.H.HANUMANTHARAYA., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY VIJAYANAGARA POLICE STATION
REP. BY SPECIAL PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU 560 009. ... RESPONDENT

(BY SRI VINAYAKA V.S., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.78/2020 OF VIJAYANAGARA POLICE STATION, BENGALURU REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 306 OF IPC AND SECTIONS 38, 41 OF THE KARNATAKA MONEY LENDERS ACT, 1961 AND SECTIONS 3 AND 4 OF THE KARNATAKA PROHIBITION OF EXORBITANT INTEREST ACT, 2004.

Crl.P.No.2199/2020:

BETWEEN:

UMAPATHI S.V.
S/O VEERABHADRAIAH
AGED ABOUT 66 YEARS

R/AT FLAT NO.601, D BLOCK
ETA GARDEN, BINNIPETE
BENGALURU 560 052

...PETITIONER

(BY SRI C.H.HANUMANTHARAYA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY VIJAYANAGARA POLICE STATION
REP. BY SPECIAL PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU-560 009

... RESPONDENT

(BY SRI VINAYAKA V.S., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.78/2020 OF VIJAYANAGAR POLICE STATION, BENGALURU REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 306 OF IPC AND SECTIONS 38, 41 OF THE KARNATAKA MONEY LENDERS ACT, 1961 AND SECTIONS 3 AND 4 OF THE KARNATAKA PROHIBITION OF EXORBITANT INTEREST ACT, 2004

THESE CRIMINAL PETITIONS COMING ON FOR ORDERS THIS DAY, THE COURT **THROUGH VIDEO CONFERENCE** MADE THE FOLLOWING:

O R D E R

Since these matters arise out of Crime No.78/2020 of Vijayanagar Police Station, Bengaluru, they are taken up for disposal by this common order.

2. Petitioner in Crl.P.No.2195/2020 is accused No.1 and petitioner in Crl.P.No.2199/2020 is accused No.2 in the aforesaid case. Both of them are son and father.

3. Vijayanagar Police have registered Crime No.78/2020 against the petitioners for the offences punishable under Section 306 of IPC and Sections 38 and 41 of the Karnataka Money Lenders Act, 1961 and Sections 3 and 4 of the Karnataka Prohibition of Exorbitant Interest Act, 2004 on the basis of complaint of one Darshan.

4. It is alleged that the father of the complainant had borrowed loan of Rs.1,10,00,000/- from accused and they were harassing him for repayment of the said loan. It is further alleged that being frustrated by that, on 19.03.2020 at 8.30 p.m. the parents of the complainant committed suicide in their house. It is alleged that the petitioners abetted the commission of the suicide.

5. Accused No.1 is arrested. Accused No.2 is apprehending his arrest in the said case. Therefore, they have filed these petitions for grant of bail and anticipatory bail. The maximum punishment prescribed for major offence is imprisonment upto ten years. The only motive for the alleged offence is loan transaction.

Motive is double edged weapon which may not justify pre-trial incarceration. Already suicide note and other material evidence are recovered. Under the circumstances, these are the fit cases to grant bail and anticipatory bail. The petitions are allowed.

The petitioner in Crl.P.No.2195/2020 is granted bail in Crime No.78/2020 of Vijayanagar Police Station, Bengaluru, subject to the following conditions:

- (i) Petitioner shall execute personal bond in a sum of Rs.1,00,000/- with two sureties in the like sum to the satisfaction of the trial Court.
- (ii) Petitioner shall appear before the Court as and when required for the trial.
- (iii) Petitioner shall not tamper the prosecution witnesses in any manner.

Petitioner in Crl.P.No.2199/2020 is granted anticipatory bail in Crime No.78/2020 of Vijayanagar Police Station, Bengaluru. If he is arrested in the said

case, he shall be released on bail subject to the following conditions:

- (i) Petitioner shall appear before the Investigating Officer within one week from the date of exiting of the declared lock down or within one month whichever is earlier.
- (ii) Petitioner shall execute personal bond in a sum of Rs.1,00,000/- and furnish two sureties in the likesum to the satisfaction of the Investigating Officer/Jurisdictional Court for his appearance.
- (iii) Petitioner shall not tamper the prosecution witnesses by threats, inducement or otherwise.
- (iv) Petitioner shall appear before the Investigating Officer/Court as and when required for the purpose of investigation/trial.

In view of disposal of the petitions, pending I.As stood disposed of.

Registry shall communicate this order to the jurisdictional Court.

**Sd/-
JUDGE**

KSR