

IN THE HIGH COURT OF KARNATAKA  
AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF NOVEMBER, 2021

BEFORE

**THE HON'BLE MRS.JUSTICE M.G.UMA**

**CRL.P.NO.8346/2021**

BETWEEN :

SRINIVAS @ SEENA S/O OMKARAPPA  
AGED ABOUT 22 YEARS  
RESIDING AT : MAGENAHALLI VILLAGE  
SATANAKERE POST, KANNAKATTEH  
ARISIKERE TALUK, BENGANURU DISTRICT-573103.

.... PETITIONER

(BY SRI. NATARAJ.D, ADVOCATE)

AND :

THE STATE OF KARNATAKA  
HEBBAGODI POLICE STATION  
REP BY STATE PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA  
BANGALORE.560001.

.... RESPONDENT

(BY SRI. SHANKAR.H.S, HCGP)

THIS PETITION IS FILED UNDER SECTION 439 OF THE CODE OF CRIMINAL PROCEDURE SEEKING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN CRIME NO.259/2020 (SC.NO.5039/2021) OF HEBBAGODI POLICE STATION, FOR THE OFFENCE PUNISHABLE UNDER SECTION 396 OF INDIAL PENAL CODE ON THE FILE OF III ADDL.DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, AT-ANEKAL IN THE INTEREST OF JUSITCE AND EQUITY.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THROUGH VIDEO CONFERENCE AT DHARWAD BENCH, THE COURT MADE THE FOLLOWING:

**: ORDER :**

Heard Sri.Nataraj D., learned counsel for the petitioner and Sri.Shankar.H.S., learned High Court Government Pleader for the respondent-State.

2. Learned counsel for the petitioner submits that the petitioner is arrayed as accused No.3. He was apprehended on 11.10.2020, only on the basis of so called voluntary statement of accused No.1. There are no eye witnesses to the incident. No incriminating materials were recovered at the instance of the present petitioner. The husband of the deceased filed first information, even though he is not an eye witness. After investigation charge sheet was came to be filed stating that, it was accused Nos.1 and 2, who have committed robbery, after causing the death of the deceased. There is absolutely nothing to connect the petitioner to the

offence in question. He is not having any criminal antecedents. The petitioner is the permanent resident of the address mentioned in the cause title to the petition and is ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition.

3. Per contra, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioner for having committed the offences. The petitioner along with accused No.4 had approached this Court, by filing the criminal petition No.1582/2021. The same was dismissed vide order dated 12.08.2021. The said fact is suppressed while filing the petition. Since, it is the successive petition, there are no changed circumstances to entertain the petition. He also submitted that the petitioner is involved in two

more criminal offences, one registered in Crime No.955/2017 of Rajgopal Nagar Police Station, for the offence punishable under Sections 399 and 402 of Indian Penal Code (for short 'IPC') and the other is Crime No.18/2019 of Yelahanka Police Station, under Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'). In view of all these facts and circumstances of the case, petitioner is not entitled for grant of bail.

4. Perused the materials on record.

5. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?"

6. My answer to the above point is in 'Negative' for the following:

## **REASONS**

7. Even though, the learned counsel for the petitioner contends that it is the first petition filed by the petitioner before this Court seeking grant of bail, the copy of the order dated 12.8.2021 in criminal petition No.1582/2021 discloses that the petitioner had filed the said petition as petitioner No.1 along with petitioner No.2. The same was came to be dismissed on merits observing that there are clinching circumstantial evidence even though, there are no eye witnesses. It was found that accused Nos.1 to 4 forming themselves into unlawful assembly, entered into the house of the deceased, stabbed her with dagger and caused her death. The valuable gold ornaments were robbed by the accused. The incriminating materials are said to have been recovered at the instance of accused No.1 and other accused including the petitioner.

Under such circumstance, the petitioner was held not entitled for grant of bail. Even though, the bail application was rejected by the Court on merits, the said fact is suppressed. No changed circumstance is highlighted to entertain the petition. Moreover, learned HCGP submitted that the petitioner is having criminal antecedents. In view of these facts and circumstances, I am of the opinion that petitioner is not entitled for grant of bail.

8. Accordingly, I answer the above point in the negative and proceed to pass the following:

**ORDER**

The criminal petition is dismissed.

**Sd/-  
JUDGE**

AM/-