

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 30TH DAY OF JUNE, 2022

BEFORE

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

CRIMINAL PETITION NO.200662/2022

Between:

1. Daring @ Ruknuddin Baba
@ Chawni Baba,
S/o Sajid Ahmed @ Nazeer Ahmed,
Age: 29 years, Occ: Plumber,
R/o Krishna Colony,
Kalaburagi-585101.
2. Saleem @ Maheboob Patel @ Babu,
S/o Iqbal Patel,
Age: 23 years, Occ: Plumber,
R/o Krishna Colony,
Kalaburagi-585101.

... Petitioners

(By Sri Ashok B.Mulage, Advocate)

And:

The State of Karnataka through
Police, Raghavendra Nagar P.S,
Kalaburagi, Dist: Kalaburagi.
Rept. By Addl. SPP High Court
of Karnataka, Kalaburagi Bench-585107.

... Respondent

(By Sri Gururaj V.Hasilkar, HCGP)

This Criminal Petition is filed under Section 439 of Cr.P.C., praying to allow the petition and release the accused/petitioners on bail in Crime No.31/2020 of Raghavendra Nagar Police Station for the offences punishable U/Secs.195, 195(J), 427, 504, 506 R/w 34 of IPC, pending on the file of III Addl. District Sessions Judge, Kalaburagi in SC No.1/2019.

This petition coming on for Orders this day, the Court passed the following:

ORDER

The petitioners-accused Nos.2 and 3 are before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.31/2020 of Raghavendranagar Police Station, registered for the offences punishable under Sections 195, 195(J), 427, 504, 506 read with Section 34 of the Indian Penal Code (for short 'IPC'), pending on the file of III Additional District Sessions Judge, Kalaburagi in S.C.No.1/2019, on the basis of the first information lodged by the informant-Asma Begum.

2. Heard Sri. Ashok.B.Mulage, learned counsel for the petitioners and Sri. Gururaj.V.Hasilkar, learned High Court Government Pleader for the respondent-State. Perused the materials on record.

3. Learned counsel for the petitioners submitted that the petitioners are arrayed as accused Nos.2 and 3. They are innocent and have not committed any offence as alleged. They have been falsely implicated in the matter without any basis. After knowing about the registration of

the case, the petitioners have voluntarily surrendered before the police on 25.03.2022 and since then they are in judicial custody. After investigation, charge sheet came to be filed. Their detention in custody is not required for any other purpose except to ensure their presence before the trial Court. Learned counsel further submitted that motive for committing offence is only against accused No.1. These petitioners have not committed any offence as alleged. They are the permanent residents of the addresses mentioned in the cause-title to the petition and are ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition.

4. Per contra, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioners for having committed the offence. When the complainant attended the Court for giving her evidence in S.C.No.1/2019, pending on the file of I Additional District and Sessions

Court, Kalaburagi, the petitioners along with other accused committed high-handed act, by abusing her in a filthy language, tried to break the door of her house and threw the stones on the window glass and damaged household articles. Considering the nature and seriousness of the offence, these petitioners are not entitled for grant of bail. Hence, he prays for dismissal of the petition.

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 petitioners are entitled for grant of bail under Section 439 of Cr.P.C.?"

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

REASONS

6. It is stated that Crime No.121/2018 was registered against accused Nos.1 to 6 for the offences punishable under Section 302 of IPC which is pending before the I-Additional District and Sessions Court, in

S.C.No.1/2019. It is stated that on 06.03.2020, informant attended the Court to depose before the Court. But the said matter was adjourned for some reason. On the same day in the evening at about 8.30 p.m., accused No.1, who is the brother of one Mustaffa, who is one of the accused in S.C.No.1/2019, along with accused Nos.2 to 4 forming themselves into an unlawful assembly, came to the house of the victim and tried to break open the door. They criminally intimidated the informant and abused her in filthy language and pelted stones and damaged the window, door and other articles. Thereby caused loss of about Rs.15,000/- to Rs.20,000/- The victim was very much afraid and requested the police to register the case and to initiate legal action against them. Accordingly, the police have registered the case and took up investigation against accused Nos.1 to 4.

7. The petitioners being accused Nos.2 and 3 seeking grant of bail have approached this Court. FIR came to be registered against Nos.1 to 4. The allegation

made against the petitioners and other accused is of serious nature. When the offence under Section 302 of IPC was pending and the informant has attended the Court for giving evidence, the petitioners along with other accused said to have threatened her and tried to break open the door of her house and pelted stones, etc. The conduct of the petitioners and other accused will lead to serious consequences, if they are enlarged on bail at this stage. Their conduct discloses that they have no respect for law and order and enlarging them on bail will definitely cause serious threat to the informant and other witnesses. Therefore, I am of the opinion that it is not a fit case for grant of bail.

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

ORDER

The petition is dismissed.

**Sd/-
JUDGE**

SMJ/VNR