IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 7030 OF 2023

BETWEEN:

1. VINOD K @ SHANKARA
S/O. KRISHN K,
AGED BOUT 35 YEARS,
R/AT NO.163, 24TH MAIN,
19TH CROSS, OPP. KEB OFFICE,
HSR LAYOUT, SECTOR-2,
BENGALURU-560 102.

...PETITIONER

(BY SRI SHARATH KUMAR G.M., ADVOCATE)

AND:

1. THE STATE
REPRESENTED BY
TAVAREKERE POLICE STATION
RAMANAGARA-573 201.

REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE-560 001.

...RESPONDENT

(BY SRI K. NAGESHWARAPPA, HCGP)

Digitally signed by SHARANYA T
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S. 439 CR.PC PRAYING THIS COURT TO ENLARGE THE PETITIONER ON BAIL IN (C.C.NO.3433/2022) (S.C.NO.50/2022) CR.NO.91/2022 REGISTERED BY THE RESPONDENT TAVAREKERE POLICE FOR

THE ALLEGED OFFENCES P/U/S 302, 201 R/W. SECTION 149 OF IPC, PENDING ON THE FILE OF THE HONBLE III ADDL. DISTRICT AND SESSIONS JUDGE AT RAMANAGARA ON SUCH TERMS AND CONDITIONS, AS THIS HON'BLE COURT MAY DEEM FIT TO GRANT IN THE CIRCUMSTANCES OF THE CASE.

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

ORDER

This is a successive bail petition filed under Section 439 of Cr.P.C. seeking regular bail of the petitioner/accused in Crime No.91/2022 of Tavarekere Police Station, Magadi Sub-Division, Ramanagara, for the offence punishable under Sections 302 and 201 read with Section 149 of IPC.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State.

3. The petitioner had earlier approached this Court by filing Crl.P.No.5299/2022 along with accused No.5 and this Court, vide order dated 29.06.2022 rejected the bail petition taking note of the fact that C.Ws.3 and 4 are the last seen witnesses and the CCTV footage also discloses the presence of the petitioner along with the other accused persons near the place of incident.

4. Learned counsel for the petitioner would vehemently contend that accused No.5 has been granted bail by the Apex Court on 12.07.2023 since, the Co-ordinate Benches of this Court granted bail in favour of accused Nos.1, 2, 4 and 6. The counsel also would submit that case rests upon circumstantial evidence and similar allegations are made against accused Nos.1, 2, 4, 5 and 6 and this petitioner is accused No.3. The counsel would further submit that when accused Nos.1, 2, 4 and 6 are already granted bail by the Co-ordinate Benches of this Court and the Apex Court also granted bail in favour of accused No.5, this petitioner, who is also similarly placed as that of the other accused persons is also entitled for bail.

5. Per contra, learned HCGP for the respondent-State would submit that allegation is also made against this petitioner and though the Co-ordinate benches and the Apex Court granted bail in favour of other accused persons, the petitioner is not entitled for bail.

6. Having heard the learned counsel for the petitioner and learned HCGP for the respondent-State and considering the

fact that C.Ws.3 and 4 are the circumstantial witnesses, who narrated the fact that the incident took place at around 11.00 p.m. near the bar and having taken note of the fact that discretion has already been exercised by the Co-ordinate Benches of this Court and also the Apex Court in favour of the other accused persons, who are also similarly placed as that of the petitioner herein, it is a fit case to exercise the powers under Section 439 of Cr.P.C., subject to imposing certain conditions to protect and safeguard the interest of the prosecution. Hence, I pass the following:-

ORDER

The Petition is allowed. Consequently, the petitioner/accused shall be released on bail in Crime No.91/2022 of Tavarekere Police Station, Magadi Sub-Division, Ramanagara, for the offence punishable under Sections 302 and 201 read with Section 149 of IPC, subject to the following conditions:

(i) The petitioner shall execute personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the jurisdictional Court.

(ii) The petitioner shall not indulge in tampering the prosecution witnesses.

(iii) The petitioner shall appear before the jurisdictional Court on all the future hearing dates, unless exempted by the Court for any genuine cause.

(iv) The petitioner shall not leave the jurisdiction of the Trial Court without prior permission of the Court, till the case registered against him is disposed of.

Sd/-
JUDGE

ST
List No.: 1 Sl No.: 92