

ITEM NO.10

COURT NO.7

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No. 5435/2019

(Arising out of impugned final judgment and order dated 22-04-2019 in CRLP No. 101348/2018 passed by the High Court of Karnataka Circuit Bench At Dharwad)

SRINIVASA REDDY @ MALA SRINIVASA REDDY & ANR. Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ANR. Respondent(s)
(IA No. 94043/2019 - EXEMPTION FROM FILING O.T.)

Date : 06-08-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Ankolekar Gurudatta, AOR

For Respondent(s) Mr. Joseph Aristotle S., AOR
 Ms. Priya Aristotle, Adv.
 Mr. Rijuk Sarkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioners accused have been charged under Section 302, 201 r/w 34, IPC for the offence committed on 29.04.2017. The Sessions Court vide order dated 15.02.2018 granted bail to the petitioners imposing certain conditions. The second respondent-complainant has challenged the order of grant of bail in Cr1.P. No. 101348/2018 alleging that the offence committed by the petitioners herein are grave in nature and that the Sessions Judge ought not to have granted bail. The High Court has set aside

the order of grant of bail to the petitioners. Aggrieved, the petitioners have filed this special leave petition. Pursuant to order of this Court dated 22.07.2019, the petitioners have also surrendered to custody on 18.07.2019 and they are in custody since then.

We have heard Mr. Ankolekar Gurudatta, learned counsel for the petitioners and Mr. Joseph Aristotle, appearing for the State of Karnataka. As per office report dated 03.08.2019, the second respondent-complainant has been served; but none has entered appearance on behalf of the second respondent. We have perused the impugned order and other materials on record. Learned counsel for the State of Karnataka has submitted that the matter is listed before the Trial Court on 17.08.2019 for hearing arguments on charges.

It is pointed out that the Trial Court granted bail to the petitioners only after one year of the occurrence. Since the trial is yet to commence, the petitioners are to be given an opportunity to put forth their defence by engaging counsel of their choice. In such view of the matter, the impugned order is set aside; the petitioners are ordered to be released on bail on the same conditions as imposed by the Sessions Court by its order dated 15.02.2018.

The petitioners have to execute fresh bail bonds with two sureties of the like amount to the satisfaction of the Sessions Court, Ballari. Additionally, condition is imposed on the petitioners that they will report to the concerned police station once in two weeks, namely, second and fourth Saturday of every month.

The special leave petition is disposed of accordingly.

Pending application stands disposed of.

[CHARANJEET KAUR]
A.R. - CUM - P.S.

[NISHA TRIPATHI]
COURT MASTER