

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 3RD DAY OF MARCH 2003

BEFORE

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

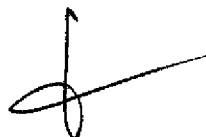
CRL.P No 902 OF 2003

BETWEEN

- 1 ISMAIL @ PARIS ISMAIL  
S/O KUNJI BYARI  
MAJOR  
R/O NAYAPATNA HOUSE,  
P.O SOMESHWAR  
UCHIL
- 2 ISA @ YUSUF  
S/O K.N ABDULLA  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 3 MOHAMMED  
S/O KUNJI BYARI  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 4 N H MAZEED  
S/O N.H ABBAS  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 5 IRSHAD  
S/O IBRAHIM  
MAJOR  
R/O NAYPATNA,

SOMESHWARA POST,  
UCHILA,  
MANGALORE

- 6 SIYAB  
S/O ISMAIL U.N  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 7 BASHEER  
S/O MOHAMMAD B.S.  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 8 HANEEF  
S/O ISMAIL U.N  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 9 IBRAHIM  
S/O ISMAIL U.N  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 10 RAFIQUE  
S/O ISMAIL U.N  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE



- 11 SHARIOFF  
S/O T.H BAVA  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 12 BASHEER  
S/O AHAMMAD KUNJI @ MOU  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 13 SARFRAZ  
S/O RAHIM  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 14 MOHAIN  
S/O RAHIM  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 15 SHALI  
S/O ABBAS  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,  
UCHILA,  
MANGALORE
- 16 RASHID  
S/O U.S. IBRAHIM  
MAJOR  
R/O NAYPATNA,  
SOMESHWARA POST,

UCHILA,  
MANGALORE

... PETITIONERS

(By Sri. K M NATARAJ, ADVOCATE)

AND :

THE STATE OF KARNATAKA  
REP BY ITS STATE PUBLIC PROSECUTOR  
HIGH COURT BUILDING,  
BANGALORE

... RESPONDENT.

(By Sri.G.BHAVANI SINGH, HCGP )

CrI.P filed u/s. 438 Cr.P.C. by the advocate for the petrs. praying that this Hon'ble Court may be pleased to release the petrs. on bail in the event of their arrest in Crime No. 17/03 of Ullal P.S., which is registered for the offence punishable u/ss. 143, 147, 148, 324, 341, 427, 504, 507, 307 r/w sec. 149 of IPC.

This petition coming on for admission this day, the Court made the following:-



ORDER

Sri.Bhavani Singh, HCGP, takes notice.

2.This petition is filed under section 438 of Cr.P.C. for grant of anticipatory bail.

3. Petitioner Nos.1 to 16 are accused Nos.1 to 16. In view of panchayath election dispute, a quarrel takes place and on 19.1.2003 at about 8 p.m., at Someshwara village Ujjilagudda, the accused persons forming themselves into an unlawful assembly wielding deadly weapons like rod, reaper piece, assaulted the complainant-Ibrahim.

4. The FIR allegations disclose that the first petitioner-accused No.1 assaulted on the head of the complainant with iron rod and the blow falls on the ear. The rest of the accused are said to have assaulted with reaper piece.

5. Counsel for the petitioners submits that the injuries are simple in nature.

6.The FIR allegations indicate injury on the parietal region and right ear of the first petitioner.

7. Without expressing any opinion on the merits of the case, I find that there appears to be prima facie case ~~is~~ made out against the first petitioner and in respect of petitioner Nos.2 to 16 leniency could be shown and accordingly I pass the following order.

The petition of petitioner No.1 is dismissed. Petition of petitioner Nos. 2 to 16 is allowed and they are directed to be released on bail in the event of their arrest by the investigating officer, executing a bond for Rs.50,000/- each with a like surety. Petitioner Nos.2 to 16 are further directed not to tamper with the prosecution witnesses and to appear before the investigating officer as and when called upon to assist the investigation.



Request for hand delivery of the  
operative portion of the order is granted.

Sd/   
Judge

MBU.