

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF MAY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.1424/2022

BETWEEN

1. KIRAN S  
S/O LATE SHIVARAMU  
AGED ABOUT 20 YEARS  
R/AT #1, II CROSS  
MUTTUMARAMMA TEMPLE  
6<sup>TH</sup> BLOCK, RAJAJINAGARA  
BENGALURU-560010
2. KISHOR K @ LADDU  
S/O LATE KUBENDRA RAO  
AGED ABOUT 19 YEARS  
R/AT #8/3, III CROSS  
6<sup>TH</sup> BLOCK, RAJAJINAGARA  
BENGALURU-560010
3. AJITH S  
S/O SHIVALINGA  
AGED ABOUT 23 YEARS  
R/AT @145, I CROSS  
6<sup>TH</sup> BLOCK, RAJAJINAGARA  
BENGALURU-560010

...PETITIONERS

(BY SRI K SHYAMSUNDAR, ADVOCATE)

AND

STATE OF KARNATAKA  
BY THAVAREKERE POLICE STATION  
RAMANAGARA DISTRICT-562130  
REP BY GOVERNMENT PLEADER  
HIGH COURT OF KARNATAKA  
BENGALURU-560001

... RESPONDENT

(BY SRI MAHESH SHETTY, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN CRIME NO.302/2021 OF TAVAREKERE POLICE STATION, RAMANAGAR FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 302, 394, 324 READ WITH SECTION 34 OF IPC AND ETC.

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

**ORDER**

This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioners in Crime No.302/2021 of Tavarekere Police Station, Ramanagar for the offences

punishable under Sections 302, 394, 324 read with Section 34 of IPC.

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

3. The factual matrix of the case is that on 12.09.2021 at about 10.30 p.m., CW1 and the victim were standing in front of Srikrishna Industries Factory, these petitioners, with an intention to extract the money from the people who were proceeding in the road, came in a two wheeler and accused No.3 stopped the vehicle and he was watching and accused Nos.1, 2 and 4 inflicted injury with the knife on CW1 and accused No.1 inflicted injury on the victim and both CW1 and the victim tried to escape from the spot and when CW2 to 6 also came to the spot and tried to pacify the incident, at that time also accused No.1 to 4 inflicted injury on them with the knife, as a result, CW1 to 6 have sustained simple injuries and the victim was immediately taken to the M.S.Ramaiah hospital and on the very next day, he succumbed to the injuries. Based on the complaint,

the police have registered the case and after completion of investigation, charge sheet has been filed.

4. The learned counsel appearing for the petitioners would submit that at the first instance the case has been registered against six unknown persons and after the investigation, charge sheet has been filed against four accused persons and no TI parade is conducted and there is no any basis to connect these petitioners saying that they are the assailants and further submits that investigation is completed and charge sheet also filed and there is no need of custodial trial and hence, these petitioners may be enlarged on bail.

5. Per contra, the learned High Court Government Pleader appearing for the State would submit that the blood stain cloth of accused Nos.1 and 2 was seized and knife was also seized and there was a joint recovery at the instance of these petitioners and apart from that TI parade is conducted by CW27 and injured witnesses who are the eye witnesses have identified these petitioners and hence, there is prima facie material against these petitioners and prayed to dismiss the petition.

6. Having heard the respective counsel appearing for the parties and also on perusal of the material available on record it discloses that no doubt, at the first instance, the case was registered against six unknown persons and after the investigation, charge sheet has been filed against four accused persons and the allegation against these petitioners is that they were watching the movement of the persons who are proceedings in the night with an intention to extract the money from them and the alleged incident was also occurred for the same purpose and the petitioners have inflicted injury with the steel knife and iron knife on CW1 as well as the victim as a result, they sustained injuries and the victim was taken to the hospital and when CW2 to 6 made an attempt to pacify the incident, they were also subjected for assault by these petitioners and recovery is also made at the instance of these petitioners i.e., blood stain cloth and knife and TI parade is also conducted. When such being the case, it is not a fit case to exercise the discretion in favour of these petitioners since an

attempt was made to commit the robbery using the deadly weapon.

7. In view of the discussions made above, I pass the following:

ORDER

The bail petition is rejected.

**Sd/-  
JUDGE**

SN