

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MAY, 2020

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.2057 OF 2020

BETWEEN:

1.SRINIVAS R.
S/O.BALLARI RANGASWAMIAH,
AGED ABOUT 32 YEARS,

2.SIDDARAJU @ SIDDAPPA
S/O.BALLARI RANGASWAMIAH
AGED ABOUT 32 YEARS,

3.RAJANNA,
S/O.SIDDAIAH,
AGED ABOUT 60 YEARS,

4.RANGAIAH,
S/O.SIDDAIAH
AGED ABOUT 66 YEARS

ALL ARE R/AT OORKERE, A.K. COLONY,
KASABA HOBLI, TUMKUR TALUK
TUMKUR-572 101.

...PETITIONERS

(BY SRI RAJESH RAO.K, ADVOCATE)

AND:

THE STATE BY
TUMKUR RURAL P.S.
REPRESENTED BY,
THE GOVERNMENT PLEADER,
HIGH COURT OF KARNATAKA
BENGALURU-560 001.

...RESPONDENT

(BY SRI THEJESH P., HCGP)

THIS CRL.P. IS FILED UNDER SECTION 438 OF CR.P.C. TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO.40/2020 REGISTERED BY TUMAKURU RURAL POLICE STATION, TUMAKURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 143, 147, 148, 323, 324, 307, 354, 504 AND 506 READ WITH SECTION 149 OF IPC, AND SECTION 25 OF ARMS ACT.

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

ORDER

Heard. Perused the records.

2. The case of the prosecution is that on 24.02.2020 at about 7.00 a.m., when the complainant had gone for a morning walk, the present petitioners and other accused in Crime No.40/2020, trespassed

into the complainant's house and assaulted the complainant's wife namely Sannamma. It is also alleged in the complaint that the son of the complainant tried to intervene and while trying to rescue his mother, accused Nos.1 to 3 have assaulted the son of the complainant.

3. Learned counsel for the petitioners would urge this Court to take note of the FIR and by relying on the allegation made in the FIR, learned counsel for the petitioners submits that there is no reference to the overt acts insofar as the present petitioners are concerned.

4. Having perused the FIR and having heard learned counsel for the petitioners and learned HCGP for the State, this Court is of the view that the petitioners are entitled to be released on bail on certain conditions, since *prima facie* no overt acts are

attributed against the present petitioners in the above said crime. The question as to whether the present petitioners also played a prominent role in inflicting injuries on the complainant's son is a matter of trial. Accordingly, the following:

ORDER

The petition is allowed. Consequently, the petitioners shall be released on bail in the event of their arrest in connection with Crime No.40/2020 of Tumakuru Rural Police Station, subject to the following conditions:-

- i) The petitioners shall surrender themselves before the Investigating Officer within Ten days from the date of receipt of a certified copy of this order and each of them shall execute their respective personal bonds for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for the like-sum to the satisfaction of the concerned Investigating Officer.

- ii) The petitioners shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- iii) The petitioners shall co-operate with the Investigating Officer to complete the investigation, and they shall appear before the Investigating Officer as and when called for.
- iv) The petitioners shall not leave the jurisdiction of Tumakuru District without prior permission of the Court, till the charge sheet is filed or for a period of three months whichever is earlier.
- v) The petitioners shall mark their attendance once in a week i.e., on every Sunday between 10.00 am and 5.00 pm., before the Investigating Officer for a period of two months or till the charge sheet is filed, whichever is earlier.

Registry is directed to send a copy of this order
to the learned advocates through e-mail.

**Sd/-
JUDGE**

CA