

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF JUNE 2015

BEFORE

THE HON'BLE MR. JUSTICE A.V. CHANDRASHEKARA

CRIMINAL PETITION NO. 2326 OF 2015

BETWEEN:

NAGARAJA T C
S/O CHALAPTAHIRAJ,
AGED ABOUT 23 YEARS,
R/AT THINDLU VILLAGE,
SARAJPURA HOBLI,
ANEKAL TALUK,
BENGALURU – 562 106

... PETITIONER

(BY SRI S. VENKATESH SHASTRY, ADVOCATE)

AND

STATE BY SARJAPURA POLICE
BENGALURU
REPRESENTED BY
THE PUBLIC PROSECTOR,
HIGH COURT BUILDINGS,
BENGALURU-560 001.

... RESPONDENT

(BY SRI B.J. ESHWARAPPA, HCGP)

THIS CRL.P. IS FILED U/S.439 CR.P.C PRAYING TO
ENLARGE THE PETR. ON BAIL IN S.C.NO.5004/2015 ON

THE FILE OF THE III ADDL. DIST. AND S.J., ANEKAL, FOR THE OFFENCES P/U/Ss. 201 AND 302 OF IPC.

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

ORDER

Heard the learned counsel for the petitioner and learned Government pleader.

2. The petitioner is accused No.1 in a case bearing Cr.No.182/2014 on the file of Sarjapura Police Station. After concluding the investigation, charge sheet has been filed against all the accused for the offence punishable under Sections 201 and 302 of IPC.

3. The case on hand relates to the alleged murder of one person by name Harish. It is alleged that this petitioner along with other accused had taken the deceased to Hognikal from Sarjapura on 10.09.2014 and while returning on 11.09.2014, accused No.1 assaulted the deceased on his head with a jock-rod and murdered him. Later, all the accused wrapped the dead body with a plastic tarpaulin and dumped the same in Dakshina Pinakini lake.

4. Learned High Court Government Pleader has vehemently opposed the bail application on the ground that it is too premature to disbelieve the role played by this petitioner along with other accused in committing the murder of deceased – Harish. He has argued that jock-rod used to murder the deceased has already been recovered at the instance of this petitioner. Hence, he has further argued that the circumstances are strong enough to indicate the presence of this petitioner at the time of commission of murder and he has requested the Court to dismiss the bail application.

5. As could be seen from the records, M.Chandra who has allegedly joined this petitioner in murdering Harish has already been released on bail in CrI.P.No.6952/2014 dated 02.12.2014 and another accused – Gangadhar has also granted bail by this Court in CrI.P.No.6953/2015 on 02.12.2014.

6. As could be seen from the records, all the accused were seen with the deceased and circumstances relied upon by the police is are of last seen. In the light of similarly placed accused being already released on bail and charge sheet being filed in the present case, the

petitioner is to be released on bail. Apart from this, he has undertaken to obey any conditions which may be imposed on him. Thus, the apprehension of the learned Government Pleader could be suitably met with by imposing proper conditions.

7. In this view of the matter, petition is allowed and the petitioner is ordered to be released on bail, subject to the following conditions:-

- a) Petitioner shall be released on bail on executing a personal bond in a sum of Rs.1,00,000/- with one surety, for the likesum to the satisfaction of concerned Court.
- b) Petitioner shall not tamper or attempt to tamper any of the prosecution witnesses.
- c) Petitioner shall not hold out threats to the prosecution witnesses or lure them in any manner.
- d) Petitioner shall not involve in any criminal activities.
- e) Petitioner shall mark his attendance at the respondent - Police Station once in a week of every Sunday between 9 a.m. to 5 p.m., without

fail, till the case registered against him is disposed of.

- f) If the petitioner violates any one of the conditions, the prosecution is at liberty to seek for cancellation of bail from the concerned Sessions Court.

**Sd/-
JUDGE**

HJ