



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20<sup>TH</sup> DAY OF JUNE, 2024**

**BEFORE**

**THE HON'BLE MRS JUSTICE M G UMA**

**CRIMINAL PETITION NO. 4456 OF 2024**

**BETWEEN:**

NARASIMHA MURTHY,  
S/O RAMAKRISHNA,  
AGED ABOUT 48 YEARS,  
R/AT: SULIBELE TOWN,  
VALMIKI NAGAR,  
HOSAKOTE TALUK,  
SULIBELE, BANGALORE  
RURAL - 562 129.

...PETITIONER

(BY SRI. M. KRISHNE GOWDA, ADVOCATE)

**AND:**

STATE OF KARNATAKA,  
STATE BY SULIBELE P.S.  
RPTD BY STATE PUBLIC PROSECUTOR,  
HIGH COURT OF KARNATAKA,  
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI .K., HCGP)

THIS CRL.P IS FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.181/2023 OF SULIBELE P.S., BENGALURU DISTRICT FOR THE OFFENCE P/U/S 302, 201, 202 R/W SEC.34 OF IPC PENDING ON THE FILE OF THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL IN S.C.NO.320/2023.

THIS CRL.P, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:



**ORDER**

The petitioner-accused No.4 is before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.181/2023 of Sulibele Police Station, pending in CC.No.487/2024 on the file of the learned Principal Civil Judge (Sr.Dn.) and CJM Court, Hosakote, Bengaluru Rural District registered for the offences punishable under Sections 302, 201 and 202 R/w Section 34 of the Indian Penal Code (for short 'IPC'), on the basis of the first information lodged by the informant Shakunthala.

2. Heard Sri.M.Krishne Gowda, learned counsel for the petitioner and Sri. Rahul Rai.K., learned High Court Government Pleader for the respondent -State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

*"Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?"*



My answer to the above point is in 'Affirmative' for the following:

### **REASONS**

4. The petitioner being accused No.4 is seeking grant of bail. He was apprehended on 10.12.2023 and since then he is in judicial custody. The daughter of the deceased lodged the first information against accused making specific allegations. Investigation is completed and the charge sheet came to be filed against accused Nos.1 to 4. The specific contention of the prosecution is that the father and mother of the present petitioner were done to death by accused Nos.1, 2 and 3, who are the wife and children of the present petitioner. The motive for causing death was imputed against accused No.1-the daughter-in-law of the deceased. The overt-act is also alleged against accused Nos.1 to 3. The only allegation against the present petitioner is that even though he knew about the double murder caused by his wife and children, he has not informed the fact to the police and concealed the same. However, it is not the contention of the prosecution that the petitioner is required for further investigation or that he is



having any criminal antecedents. Therefore, the detention of the petitioner in custody would amount to infringement to his right to life and liberty. Hence, I am of the opinion that the petitioner is entitled to be enlarged on bail subject to conditions, which will take care of the interest of the prosecution.

5. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

**ORDER**

The petition is ***allowed.***

The petitioner is ordered to be enlarged on bail in Crime No.181/2023 of Sulibele Police Station, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a). The petitioner shall not commit similar offences.
- b). The petitioner shall not threaten or tamper with the prosecution witnesses.



- c). The petitioner shall appear before the Court as and when required.

If in case, the petitioner violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking cancellation of bail.

On furnishing the sureties by the petitioner, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the address and authenticity of the documents furnished by the petitioner and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the petitioner on bail.

**Sd/-**  
**JUDGE**

BH  
List No.: 1 Sl No.: 24