



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 6134 OF 2023

BETWEEN:

THAMMAIAH
S/O YALAVAIHAH,
AGED ABOUT 32 YEARS,
R/AT BESTHARAPALYA VILLAGE,
MADBALU HOBLI,
MAGADI TALUK,
RAMANAGARA DISTRICT,
PIN-562120.

...PETITIONER

(BY SRI. BASAVARAJU T. A.,ADVOCATE)

AND:

STATE OF KARNATAKA
BY MAGADI POLICE STATION,
RAMANAGAR DISTRICT,
REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR.
PUBLIC PROSECUTORS OFFICE
AT HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA
AMBEDKAR VEEDHI
AT BANGALORE - 560001.

...RESPONDENT

(BY SRI.B.Lakshman. HCGP,)

THIS PETITION FILED U/S 439 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN S.C.NO.108/2022 (CR.NO.105/2022) OF MAGADI P.S., RAMANAGARA DISTRICT FOR THE OFFENCE P/U/S 302, 201 OF IPC ON THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE AT RAMANAGARA.

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





ORDER

Heard the learned counsel for the petitioner and learned High Court Government Pleader and perused the material on record.

2. Petitioner is the sole accused in Crime No.105/2022 of Magadi Police Station, registered for offence punishable under Sections 302 and 201 of IPC.

3. This petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail.

4. The deceased by name Hemavathamma @ Hemavathi is the mother of the accused. It is the case of the prosecution that there was some dispute with regard to the property and in this connection, the accused was quarreling with the deceased. The accused had taken some money from the deceased and not returned it. On 19.04.2022 at about 08:45 p.m. the deceased started demanding the money from the accused telling him that she has to go to hospital. She told the accused to give share in the land to her daughters. Enraged by the same the accused abused her and assaulted on her cheek and face with his hands, due to which, she collapsed. The



accused by saying that he will shift her to the hospital took her on his motor cycle and instead of taking her to the hospital, threw the dead body in an abandoned well situated in Sy.No.39/07 of Varthehalli village.

5. The petitioner had preferred Crl.P.No.1369/2023 before this Court under Section 439 of Cr.P.C, to enlarge him on bail. The said petition was dismissed as withdrawn on 01.06.2023, reserving liberty to the petitioner to file a fresh petition before the Sessions Court after recording the evidence of CW-2.

6. The complainant – CW-1 is the daughter of the deceased and sister of the accused. CW-2 is the wife of the accused. CW-2 is an eye witness to the incident. It is submitted by the learned counsel for petitioner that both CW-1 and CW-2 are already examined by the Trial Court but they have not supported the case of prosecution. He has furnished the copies of the depositions of the said witnesses. Both the said witnesses have turned hostile to the case of the prosecution.

7. The case of the prosecution is that the accused had some dispute regarding sharing the property and he had taken



some money from his deceased mother. On the fateful day when the deceased started demanding him to return the amount he got enraged and slapped her due to which she collapsed and died. The accused was arrested on 23.04.2022 and since then he is in judicial custody.

8. Considering that the material witnesses namely CW-1 and CW-2 are already examined and considering the facts and circumstances, the relief sought by the petitioner can be granted without making any observation on the merits of the case. Hence the following;

ORDER

9. Petition is allowed.

10. The petitioner / accused in SC.No.108/2022 pending on the file of the Court of III Additional District and Sessions Judge at Ramanagar (Crime No.105/2022 of Magadi Police Station, Ramanagara District) shall be enlarged on bail subject to following conditions.

a) Petitioner shall execute a bond in a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two



sureties for the like sum to the satisfaction of the jurisdictional Court.

b) Petitioner shall furnish proof of his residential address and shall inform the Court, if there is any change in the address.

c) Petitioner shall not leave the jurisdiction of the trial Court without prior permission of the learned Trial Judge, till conclusion of the trial.

d) Petitioner shall not tamper with the prosecution witnesses either directly or indirectly.

e) Petitioner shall appear before the trial Court on all dates of hearing without fail.

f) Petitioner shall not involve in any criminal activities.

Sd/-
JUDGE

LDC
List No.: 1 Sl No.: 13