

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF OCTOBER 2016

BEFORE

THE HON'BLE MR.JUSTICE BUDIHAL R.B.

CRIMINAL PETITION NO.5254 OF 2016

BETWEEN:

RAGHAVENDRA S.
S/O SRINIVASAIAH A.,
AGED ABOUT 25 YEARS,
OCC:PRIVATE EMPLOYEE,
R/AT NO.6, 2ND A CROSS,
BEHIND GLOBAL SCHOOL,
KRISHNAPPA GARDEN,
MARATHHALLI,
BENGALURU – 560 037. ... PETITIONER

(BY SRI.CHANDRASHEKARA K.A., ADVOCATE)

AND :

THE STATE OF KARNATAKA
BY THE POLICE OF,
TAVAREKERE POLICE STATION,
RAMANAGARA DISTRICT – 562 130.

REPRESENTED BY
STATE OF PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001. ... RESPONDENT

(BY SRI.B.VISWESWARAIAH, HCGP)

THIS CRL.P IS FILED UNDER SECTION 438 OF CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.245/2016 OF TAVAREKERE P.S., RAMANAGARA, WHICH IS REGISTERED FOR THE OFFENCE PUNISHABLE UNDER SECTION 143, 147, 148, 427, 323, 354, 504, 506 R/W 149 OF IPC.

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

ORDER

This is the petition filed by the petitioner /accused No.4 under Section 438 of Cr.P.C. seeking anticipatory bail, to direct the respondent-police to release on bail the petitioner - accused No.1 in the event of his arrest for the alleged offence punishable under Sections-143, 147, 148, 427, 323, 354, 504 and 506 read with 149 of IPC registered in Crime No.245/2016.

2. Brief facts of the prosecution case as per the averments made in the complaint is that on 13.06.2016 at 4.00 p.m., about 5-6 persons had come in a car and had food including fish. The said persons were

proceeding towards car without paying the bill. When the husband of the informant demanded for the payment of the bill amount, one among 5-6 persons told him that, he is the youth President of Narendra Modi Army and his name is Raghavendra. By saying so, the said persons threatened the husband of the informant that, they have long and chopper in the car. By saying so, the said persons entered the hotel and broke the glasses and damaged table, fan etc., When the informant interfered, they dragged her neck chain, which was cut into two pieces. By that time, the villagers came near the hotel, the said persons threatened on their lives and left the place. On the said basis, a case came to be registered in the respondent – police station against the petitioner.

3. Heard the arguments of the learned counsel appearing for the petitioner /accused No.1 and also the learned HCGP for the respondent-State.

4. On perusal of the averments made in the bail petition, FIR, complaint and other materials placed on record and looking into the allegations made in the complaint, the petitioner along with other persons entered into the hotel and he made galatta with the owner of the hotel when demanded for the bill.

5. Learned counsel for the petitioner made the submission that the said allegation are false and the petitioner has not committed the alleged offence along with other persons. There is a false implication of the said petitioner in the said case. It is also contended that the petitioner has undertaken to abide by any conditions to be imposed on them by this Court. The

offences alleged are also not exclusively punishable with death or imprisonment for life and they are triable by the Magistrate Court.

6. Accordingly, petition is allowed. The respondent-Police is directed to enlarge the present petitioner on bail in the event of his arrest for the offence punishable under Section under Sections 143, 147, 148, 427, 323, 354, 504 and 506 read with Section 149 of IPC, registered in the respondent police station in Crime No.245/2016, subject to the following conditions:

- i. The petitioner has to execute a personal bond for Rs.50,000/- and has to furnish one solvent surety for the likesum to the satisfaction of the arresting authority.
- ii. Petitioner shall not tamper with any of the prosecution witnesses, directly or indirectly.

- iii. Petitioner shall to make himself available before the Investigating Officer for interrogation, as and when called for and to cooperate with the further investigation in the matter.
- iv. The petitioner has to appear before the concerned Court within 30 days from the date of receipt of copy of this order and to execute the personal bond and the surety bond.

Sd/-
JUDGE

JJ