

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 03rd DAY OF SEPTEMBER, 2012

BEFORE

THE HON'BLE MR. JUSTICE H.N. NAGAMOHAN DAS

CRL.P.No.4776/2012

BETWEEN

1 VEENA N
AGED ABOUT 27 YEARS
W/O CHANDRASHEKAR

2 RAVI KUMAR
AGED ABOUT 29 YEARS
S/O T NARAYANA

BOTH ARE R/A #26, 19TH MAIN ROAD
J.C.NAGAR, MAHALAKSHMIPURAM
BANGALORE-560086.

... PETITIONERS

(By M/S: K N L ASSOCIATES)

AND :

STATE OF KARNATAKA
BY MAHALAKSHMI LAYOUT P S

... RESPONDENT

(By Sri:RAJA SUBRAMANYA BHAT, ADV.)

CRL.P FILED U/S.438 CR.P.C BY THE ADVOCATE FOR THE PETITIONERS PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CR. NO.193/2012 OF MAHALAKSHMILAYOUT P.S., BANGALORE CITY, WHICH IS REGISTERED FOR THE OFFENCE P/U/S 341,323,506,384 R/W SEC.34 OF IPC.

This petition coming on for orders, this day, the court made the following;

ORDER

The jurisdictional police registered a case in Cr.No.193/2012 against the petitioners for the offences punishable under Sections 341, 323, 506, 384 r/w Section 34 IPC. The Sessions Judge vide order dated 5.7.2012 in CrI.Misc.3916/2012 granted anticipatory bail subject to certain terms. Accordingly on 8.7.2012 the respondent police arrested the petitioners and they were enlarged on bail after following due process. Further the police called upon the petitioners to be present on 9.7.2012 for investigation. Though the petitioners were present on 9.7.2012, no interrogation was conducted. On the other hand, the police

submitted a report stating that on that day petitioners did not appear before them. Based on this the Public Prosecutor moved the Trial Court for cancellation of the bail. Accordingly the Trial Court vide order dated 8.8.2012 cancelled the bail granted earlier on 5.7.2012. Therefore the petitioners are before this court.

2. By considering the rival contentions, this court vide order dated 24.08.2012 enlarged the petitioner on bail for a limited period. Having regard to the facts and circumstances of this case and the explanation offered by the petitioners, I am of the considered opinion that the Trial Court failed to consider properly the explanation offered. Even this court in its order dated 24.08.2012 directed the Government Pleader to secure the police record to ascertain whether petitioners were present on 9.7.2012. No material is placed on record to show that petitioners were not present on 9.7.2012. In the circumstances, the following:

ORDER

- i) Petition is hereby allowed.

- ii) Petitioners are enlarged on bail on the same conditions in the order dated 5.7.2012 in Crl.Misc.3378/2012 imposed by the Sessions Judge at Bangalore.

Sd/-
JUDGE.

DKB