

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**DATED THIS THE 1<sup>ST</sup> DAY OF FEBRUARY, 2018

BEFORE

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

**CRIMINAL PETITION NO.10220/2017****C/W CRIMINAL PETITION NO.386/2018****IN CRIMINAL PETITION NO. 10220/2017****BETWEEN:**

Akshay T R @ Vyasa  
Aged about 20 years  
S/o Ramu, R/at 3<sup>rd</sup> Cross  
Teachers Colony  
Maddur Town  
Mandya District-571 428.

... PETITIONER

(By Sri Hanumaiah H C, Adv.)

**AND:**

State of Karnataka  
By Maddur Police Station  
Represented by State Public Prosecutor  
High Court Building  
Bangalore-560 001.

...RESPONDENT

(By Sri K Nageshwarappa, HCGP)

This Criminal Petition is filed under Section 439 of the  
Cr.P.C. praying to enlarge the petitioner on bail in  
Cr.No.290/2017 of Maddur P.S., Mandya and in

C.C.No.1845/2017 for the offences P/U/Ss 143, 147, 148, 120(B), 326, 323 and 307 read with Section 149 of IPC.

**IN CRIMINAL PETITION NO.386/2018**

**BETWEEN:**

Revanth M R @ Rajesh  
S/o Raju  
Aged about 20 years  
R/at Goravanahalli Village  
Maddur Taluk  
Mandya District-571 428.

... PETITIONER

(By Sri Murugesh V Charati, Adv.)

**AND:**

State of Karnataka  
By Maddur Police,  
Represented by Special Public Prosecutor  
High Court of Karnataka  
Bengaluru-560 001.

...RESPONDENT

(By Sri K Nageshwarappa, HCGP)

This Criminal Petition is filed under Section 439 of the Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.290/2017 of Maddur P.S., Mandya for the offences P/U/Ss 143, 147, 148, 120(B), 326, 323 and 307 read with Section 149 of IPC.

These Criminal Petitions coming on for Orders this day, the Court made the following:

**ORDER**

Since these two petitions are in respect of the same crime number and similar questions of law and facts are involved in both the petitions, they are taken together to dispose of them by this common order in order to avoid repetition of discussion of law and facts.

2. CrI.P.No.10220/2017 is filed by accused No.2 and CrI.P.No.386/2018 is filed by accused No.3, both under Section 439 of Cr.P.C., seeking their release on bail for the offences punishable under Section 307 r/w Section 34 of IPC registered in respondent – police station Crime No.290/2017. After completion of investigation, charge sheet came to be filed for the offences punishable under Sections 143, 147, 148, 120(B), 326, 323, 307 r/w Section 149 of IPC.

3. Heard the arguments of the learned counsel appearing for the petitioners/accused Nos.2 and 3 and also the learned High Court Government Pleader appearing for the respondent-State, in both the petitions.

4. I have perused the grounds urged in the bail petition, FIR, complaint and other materials placed on record.

5. Though as per the complainant three persons were the assailants, two were specifically named in the complaint and the third person was not named and accordingly, FIR came to be registered against accused Nos.1 and 2 and third one is named as unknown person. In the first complaint the complainant has mentioned that accused No.1 assaulted with deadly weapon on the head of the injured Varun Gowda, but subsequently, when the further statement of the

complainant was recorded, he changed his version and stated that accused No.2, the petitioner herein has assaulted with the deadly weapon on his right hand. The prosecution material also shows that in the original complaint he has mentioned that three persons are involved in the incident. But subsequently, in the further statement it is stated that totally there were six persons. As submitted by the counsel on both sides, the injured Varun Gowda has been already discharged from the hospital. Investigation is completed and charge sheet is also filed. Injury certificate of Varun Gowda shows that he has sustained three simple and three grievous injuries. For the present, he is safe and out of danger. Both the petitioners have denied the allegations stating that there is a false implication. They are ready to abide by any reasonable conditions to be imposed by the Court. Though the alleged offence under Section 307 of IPC is a non-bailable offence, but

not exclusively punishable with death or imprisonment for life. Hence, I am of the opinion that petitioners can be granted with regular bail.

6. Accordingly, both the petitions are allowed. Petitioners/accused Nos.2 and 3 are ordered to be released on bail for the offences punishable under Sections 143, 147, 148, 120(B), 326, 323, 307 r/w Section 149 of IPC registered in respondent – police station Crime No.290/2017, subject to the following conditions:

- i. Petitioners shall execute a personal bond for a sum of Rs.50,000/- each and shall furnish one surety for the likesum to the satisfaction of the concerned Court.
- ii. Petitioners shall not tamper with any of the prosecution witnesses, directly or indirectly.

- iii. Petitioners shall appear before the concerned Court regularly.

**Sd/-  
JUDGE**

bkp