

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08TH DAY OF JANUARY 2016

BEFORE

THE HON'BLE MR. JUSTICE A.V.CHANDRASHEKARA

CRIMINAL PETITION NO.8721/2015

BETWEEN:

SANTHOSH KUMAR.V @ KUNTA @ PILLE
S/O VENKATARAMU
AGED ABOUT 32 YEARS
R/AT NO.576, MARIYAPPA GARDEN
SAPTHAGIRI TOOLS CUTTING ROAD,
CHUNCHANAGATTA MAIN ROAD
BENGALURU – 560 017.

...PETITIONER

(BY SRI.CHANDRAPPA.K., ADV.)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY THE STATION HOUSE OFFICER
SUBRAMANYAPURA POLICE STATION
BENGALURU – 560 011.

...RESPONDENT

(BY SRI.K.NAGESHWARAPPA, HCGP)

THIS PETITION IS FILED UNDER SECTION 439
CR.P.C PRAYING TO ENLARGE THE PETITIONER ON
BAIL IN S.C.NO.782/2015 (CR.NO. 107/2015) OF
SUBRAMANYAPURA P.S., BENGALURU PENDING ON
THE FILE OF LXVII ADDITIONAL CITY CIVIL AND S.J.,

BENGALURU FOR THE OFFENCES P/U/S 143, 147, 307, 302, 120B R/W 149 OF IPC.

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

ORDER

Heard the learned counsel for the petitioner and learned Government Pleader. Perused the records.

2. This petition is filed under Section 439 of Cr.P.C. seeking regular bail in respect of a case registered against the petitioner in Cr.No.107/2015 by Subramanyapura Police Station. Offences are punishable under Sections 143, 147, 307, 302, 120B read with 149 of IPC. Entire investigation has been completed and charge sheet is filed.

3. Learned Government Pleader has vehemently opposed the bail application on the ground that prima facie case is forthcoming against the petitioner and other accused in forming unlawful assembly with a common object to murder Udayashankar and Dileep.

4. The case on hand relates to the murder of one person by name Udayashankar on the evening of 5.2.2015 at about 6.00 p.m. near Kaveri Bakery Chunchghatta Main Road, Bangalore. The specific allegation against this petitioner is that he assaulted the complainant Dileep and caused severe injuries. The main allegation is against Venkatesh and Raghavendra, who assaulted the deceased Udayashankar and caused his murder.

5. Similarly placed accused Raghavendra is already released on bail by this Court in CrI.P.7172/2015. The overt act attributed to this petitioner is in regard to the assault made on the complainant Dileep and no role of this petitioner is forthcoming in committing the murder of Udayashankar. There is no criminal antecedents against this petitioner.

6. The petitioner is a permanent resident of Bangalore having roots in the community. He has

undertaken to obey any conditions imposed on him. Thus, the apprehension of the learned Government Pleader could be suitably met with by imposing certain conditions

7. In this view of the matter, petition is allowed and bail is granted to the petitioner, subject to the following conditions:-

- a) Petitioner shall be released on bail on executing a personal bond in a sum of Rs.75,000/- with one surety, for the likesum to the satisfaction of the concerned Sessions Judge/JMFC.
- b) Petitioner shall not tamper or attempt to tamper any of the prosecution witnesses.
- c) Petitioner shall not hold out threats to the prosecution witnesses or lure them in any manner.
- d) Petitioner shall not involve in any criminal activities.

- e) Petitioner shall attend the Sessions Court regularly on all dates of hearing and shall co-operate with the learned Sessions Judge to hold the trial.
- f) Petitioner shall mark attendance at the Jurisdictional Police Station on every Sunday between 9 a.m. to 5 p.m. from the date of his release without fail till the case is disposed of.
- g) If the petitioner violates any one of the conditions, the prosecution is at liberty to seek for cancellation of bail.

**Sd/-
JUDGE**

DM