

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF NOVEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION No.10413/2022

BETWEEN:

ARUN B
S/O BABU
AGED ABOUT 36 YEARS,
JAI BHUVANESHARINAGARA
NANDINI LYAOUT
BENGALURU-560096

.....PETITIONER

(BY SRI.K. NAGESHWARAPPA, ADVOCATE)

AND:

STATE OF KARNATAKA
BY NANDINI LAYOUT POLICE STATION,
BENGALURU-560096
REP BY GOVERNMENT PLEADER HIGH COURT OF
KARNATAKA
BENGALURU-560001

.....RESPONDENT

(BY SRI.R.D.RERUKARADHYA, HCGP)

THIS CRL.P FILED U/S.439 CR.PC BY THE ADVOCATE
FOR THE PETITIONER PRAYING THAT THIS HONOURABLE

COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN S.C.NO.243/2022 (CR.NO.211/2021) OF NANDINI LAYOUT P.S., BENGALURU CITY FOR THE OFFENCE P/U/S 143,147,148,302 R/W 149 OF IPC AND SEC.35,25(1)(B)(b) OF ARMS ACT PENDING ON THE FILE OF THE LVIII ADDL.CITY CIVIL AND SESSIONS JUDGE, BENGALURU.

THIS CRIMINAL PETITION COMING ON FOR ORDER THROUGH PHYSICAL HEARING/VIDEO CONFERENCE, THIS DAY, THE COURT MADE THE FOLLOWING :

ORDER

This petition is filed by petitioner/accused No.1 under Section 439 of Cr.P.C., for granting bail in Crime No.211/2021 registered by Nandini Layout Police for the offences punishable under Sections 143, 147, 148 and 302 read with Section 149 of Indian Penal Code and Sections 35 and 25(1)(B)(b) of Arms Act.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that the petitioner was arrested on 02.08.2021 along with other

accused on the background of committing murder of one Karthik on 01.08.2021. The petitioner has approached the Sessions Court for grant of bail, which came to be rejected. The petitioner's bail petition was rejected by this Court on earlier occasion, however, liberty was granted to approach this Court after examining eye witnesses. Hence, he is before this Court.

4. Learned counsel for the petitioner submits that now the prosecution has examined eye witnesses and other witnesses. Except official witnesses, P.Ws.1 to 19 turned hostile and remaining witnesses did not support the prosecution case. Hence, prayed for allowing the bail petition.

5. Per contra, the learned HCGP has seriously opposed the rejection of the criminal petition, as the matter is now for final arguments.

6. Upon hearing the arguments of learned counsel for the petitioner and the learned HCGP and on perusal of the records and copies of depositions of the witnesses produced by the learned counsel for the petitioner, it is seen that P.W. 9, who is said to be the complainant, is the father of the deceased. P.Ws.1 to 19 all turned hostile and did not supported the prosecution case except official witnesses.

Therefore, without expressing any opinion on the merits of the case and by imposing certain conditions, if the petitioner/accused is granted bail, no prejudice would be caused to the case of the prosecution. Hence, I pass the following:

ORDER

The criminal petition is ***allowed***.

The trial Court is directed to release petitioner/accused No.1 on bail in Crime No.211/2021, subject to the following conditions:-

- i) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for likesum to the satisfaction of the trial Court;*
- ii) Petitioner shall not tamper with the prosecution witnesses directly or indirectly;*
- iii) Petitioner shall not indulge himself in similar offences strictly;*
- iv) Petitioner shall take the trial without causing any delay; and*
- v) Petitioner shall not leave the jurisdiction of this Court without prior permission.*

If any of the conditions are violated, the prosecution is at liberty to file an application for cancellation of bail.

**Sd/-
JUDGE**

hdk