

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 27<sup>TH</sup> DAY OF DECEMBER, 2011

BEFORE

THE HON'BLE MR. JUSTICE V. JAGANNATHAN

CRIMINAL PETITION NO.6676 OF 2011

BETWEEN:

BYLAPPA S/O YALLAIAH  
MAJOR, R/O VIRUPAPURA  
KUDUR HOBOLI, MAGADI TALUK  
AT PRESENT R/AT C/O RAME GOWDA  
S/O SHIVARAMEGOWDA  
SANTHE HONNENAHALLI  
ARASIKERE TALUK  
HASSAN DISTRICT.  
NOW AT PRESENT R/AT  
NO.832, 5<sup>TH</sup> CROSS  
BANGARAPPA NAGAR  
R.R. NAGAR  
BANGALORE - 560 098. ...PETITIONER

(BY SRI: VENKATESH, ADV.)

AND:

STATE BY  
HEBBUR POLICE STATION. ...RESPONDENT

(BY SRI: VIJAYAKUMAR MAJAGE, HCGP)

THIS CRL.P. IS FILED U/S.439 OF CR.P.C  
PRAYING TO RELEASE THE PETITIONER ON BAIL IN  
CRIME NO.114/2004 OF HEBBUR POLICE STATION, FOR

THE OFFENCE PUNISHABLE UNDER SECTIONS 302 AND 201 R/W. SECTION 34 OF IPC.

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

ORDER

Heard Sri.Venkatesh, learned counsel for the petitioner and Sri.Vijayakumar Majage, learned High Court Government Pleader for the State in respect of bail sought by the petitioner who is accused No.2 in Crime No.114/2004 for the offences punishable under Sections 302 and 201 read with Section 34 of IPC.

2. The Submission of the learned counsel for the petitioner is that all other accused persons who were put on trial in S.C.172/2005 have been acquitted and as far as this petitioner is concerned, there is no overt act against him. More over this petitioner is now



settled in life and has got four children and therefore, the petitioner be released on bail.

3. The above submission insofar as acquittal of the other accused persons by the trial Court is not disputed by the learned High Court Government Pleader and therefore taking the said fact into account and the petitioner having surrendered voluntarily before the trial Court, in my opinion, the petitioner can be released on bail by imposing conditions.

4. Hence, the following order is passed.

The petition is allowed and the petitioner shall be released on bail on his furnishing a personal bond for a sum of ₹50,000/- with two sureties to the satisfaction of the trial Court, subject to the following conditions:



- i) The petitioner shall appear before the trial Court on every date of hearing without fail.
- ii) He shall not leave the State without the prior permission of the jurisdictional Magistrate.

Sd/-  
JUDGE