

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 27TH DAY OF DECEMBER 2018

BEFORE

THE HON'BLE MR. JUSTICE K.N.PHANEENDRA

CRIMINAL PETITION NO.201537/2018

Between:

Sharanabasappa
S/o Lakappa Madiyal
Age: 26 years, Occ: Agriculture
R/o Hittal Siroor, Tq. Aland
Dist. Kalaburagi

... Petitioner

(By Sri Chaitanyakumar Chandriki, Advocate)

And:

The State,
Through Nimbarga Police Station,
now represented by
Addl. SPP, High Court of Karnataka
Kalaburagi Bench

... Respondent

(By Sri Mallikarjun Sahukar, HCGP)

This criminal petition is filed under Section 439 of Cr.P.C., praying to release the petitioner on bail in Crime No.121/2018 of Nimbarga Police Station Kalaburagi for the offences punishable under Sections 143, 147, 148, 307, 323, 324, 504, 506 read with Section 149 of IPC and Section 3(1) (x) of SC/ST (PA) Act pending before the II Additional District and Sessions Judge at Kalaburagi.

This petition coming on for orders, this day, the Court made the following:

ORDER

Heard the learned counsel for the petitioner and the learned High Court Government Pleader and perused the records.

2. The respondent police registered a case in Crime No.121/2018 against as many as nine accused persons. The petitioner is accused No.2.

3. The brief allegations by the prosecution is that, the complainant by name Krishnappa on 30.09.2018 had been to Beeralingeswar Temple at Hittal Shiroor for offering prayer with coconut etc., at that time all the accused persons abused him in filthy language as the said complainant and others belongs to Holey community and driven them out of the temple and thereafter the complainant was sitting on Ambedkar Katta at 7.10 p.m. again all the accused persons formed into an unlawful assembly by holding

deadly weapons like club, stone and iron talawar etc., by committing rioting and also assaulted the complainant and others with clubs and iron rods etc., and attempted to commit the murder of complainant and his brother Kalyani etc.,

4. On these allegations police have registered a case in Crime No.121/2018 for the offences punishable under Sections 143, 147, 148, 323, 324, 307, 504, 506 read with Section 149 of Indian Penal Code and Section 3(1)(x) of SC/ST (PA) Act, 1989. It is seen from the records that the other accused persons i.e., except accused No.7 and this petitioner have approached this Court in Criminal Petition No.201246/2018 and this Court by considered order enlarged accused Nos.3 to 6, 8 and 9 on bail subject to certain conditions.

5. On careful perusal of the allegations, the accused persons who are already released on bail by this Court stand on the same footing as that of the

petitioner. Therefore, on the ground of parity, the petitioner is also entitled to be enlarged on bail on the same conditions. Hence, the following:

ORDER

The petition filed under Section 439 of Cr.P.C. is allowed. Consequently, the petitioner/accused No.2 shall be released on bail in connection with Crime No.121/2018 on the file of II Additional District and Sessions Judge, Kalaburagi, for the offences punishable under Sections 143, 147, 148, 307, 323, 324, 504, 506 read with Section 149 of IPC and Sections 3(1) (x) of SC/ST (PA) Act, on the following conditions:

- i. The petitioner is ordered to be released on bail on executing his personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the Trial Court;

- ii. The petitioner shall appear before the Court and the Investigating Officer, as and when required;
- iii. The petitioner shall not threaten or allure the prosecution witnesses in whatsoever manner.

**Sd/-
JUDGE**

sn