

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH, GULBARGA

DATED THIS THE 16TH DAY OF JULY 2009

BEFORE

THE HON'BLE MR.JUSTICE V. JAGANNATHAN

CRL. PETITION NO.8938/2009

BETWEEN:

E.HARIPRASAD
S/O SATYANARAYAN
AGED ABOUT 28 YEARS
OCC:HOTEL BUSINESS
R/O MASKI TQ:LINGSUGUR
DIST:RAICHUR (ACCUSED NO.1)

.....PETITIONER

(By Sri. PRASHANTH KUMAR S. GOTUR, Adv.)

AND:

THE STATE OF KARNATAKA
THROUGH REPRESENTED
BY STATE PP

.... RESPONDENT

(By SMT. ANURADHA M. DESAI, ADDL. SPP)

THIS CRL.P IS FILED U/S. 439 OF CR.P.C. PRAYING
TO GRANT THE REGULAR BAIL TO THE PETITIONER-A1 IN
S.C.NO.113/08 FOR THE OFFENCE PUNISHABLE U/S 302
AND 201 R/W SEC. 34 OF IPC IN SENDHANUR CITY

P.S.CRIME NO.123/08 PENDING ON THE FILE OF II ADDL.
FAST TRACT COURT, RAICHUR.

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

ORDER

Heard the learned counsel for the parties in respect of the bail petition filed by A1 for the offences punishable under Sections 302, 201 r/w 34 of IPC in SC No.113/08 pending on the file of the learned Sessions Judge of the Fast Track Court, Raichur.

2. Learned counsel for the petitioner submitted that the prosecution allegation is that this petitioner had illicit affair with the wife of the deceased and both the accused i.e., the present petitioner and A2 wanted to take away his life. On 28.5.08, A2 came and confessed before Satyanarayana, Ramakrishna and Subba Rao that on the previous night she and the present accused ensured that the deceased was given sleeping tablets in the food by A2 and A1 put on the switch so that the electric wire came in contact with the



deceased on account of which the deceased died. Thereafterwards, A1 and A2 gave a shape to the whole incident by putting up the story that the deceased died on account of electric shock.

3. Learned counsel for the petitioner argued that A2 who is the wife of the deceased has been granted bail and therefore this petitioner may also be granted bail on the ground of parity and also referred to the statement of one Harish which shows that after the incident the deceased was taken by A2 to the hospital along with him and A1 was not present at that time.

4. On the other hand, learned Addl. SPP submitted that the main cause for the death of husband of A2 is on account of A1 having given electric shock to the deceased and therefore A1 does not stand on the same footing with A2.



5. Having regard to the above submission and taking note of the role alleged to have been played by the accused persons and A2 being the wife of the deceased also made extra judicial confession on her own before one Satyanarayana, Ramakrishan and Subba Rao, I am of the view that this is not the stage to release the petitioner on bail having regard to the serious nature of the offences alleged and likelihood of tampering of evidence cannot be ruled out.

For the above reasons, petition is rejected.

The trial Court is directed to ensure that the trial is completed at the earliest since A1 is in custody.

**Sd/-
JUDGE**

TL