

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA**

DATED THIS THE 10TH DAY OF JUNE 2011

B E F O R E

THE HON'BLE MR.JUSTICE K.SREEDHAR RAO

CRIMINAL PETITION NO.2625/2011

BETWEEN:

Ramesh S/o Prakash Kattimani
Aged about 30 years
Occ: Agriculture and Labour
R/o Ganga Nagar Brahmpur
Gulbarga.

... Petitioner

(By Sri. Santosh S. Gogi, Advocate)

AND:

The State of Karnataka
Through Ragavendra Nagar Police Station,
Gulbarga.

... Respondent

(By Sri. Subhash Mallapur, HCGP)

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This Criminal Petition filed under Section 438 of Cr.P.C. by the Advocate for the petitioner praying that this Hon'ble Court may be pleased to allow this petition and to enlarge the petitioner on bail in the event of his arrest in Crime No.26/2011 Ragavendra Nagar police station, Gulbarga.



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

ORDER

One Naganna S/o Shivappa is the deceased. The P.I., Additional Traffic Police Station received an information on 01.04.2011 that the deceased Naganna was admitted to hospital on account of road traffic accident. The P.I. goes to the hospital finds that the victim Naganna was not in a position to speak. His wife was present and she was not in a mood to narrate the facts relating to the incident. On 02.04.2011 P.I. goes to the hospital finds that Naganna is dead and he goes to the house of the deceased. One Shanta Bai mother of the deceased informed that on 01.04.2011 at 8.30 p.m. there was quarrel between petitioner and the deceased and that the petitioner pushed the deceased to the electric pole, as a result he sustained injuries and he was admitted to hospital. The Sessions Court in Para-13 of its order comes to the conclusion that it is not



definite from the facts whether it is an offence under Section 302 of IPC or Section 304 Part-I and II of IPC. The investigation is yet to be completed. It is highly premature at this stage to say anything about the nature of offence committed. The petitioner can apply for bail after the completion of investigation.

In view of the prima facie case of commission of the offence, it cannot be said that the petitioner is being falsely implicated, to invoke the provisions under Section 438 of Cr.P.C. Hence petition is **dismissed**.

swk

Sd/-
JUDGE