

Mohan S A Vs State Of Karnataka

Court: Karnataka High Court At Bengaluru

Date of Decision: April 13, 2022

Acts Referred: Indian Penal Code, 1860 " Section 149, 307

Hon'ble Judges: V. Srishananda, J

Bench: Single Bench

Advocate: Mahesh Kiran Shetty S, S.Vishwa Murthy

Final Decision: Allowed

Judgement

V. Srishananda, J

1. Memo along with a copy of the ensuing II PUC Examination time table, so also charge sheet are filed.

2. Heard Sri Mahesh Kiran Shetty, learned counsel for the petitioner and Sri S. Vishwamurthy, learned High Court Government Pleader for the

respondent-State.

3. The present petition is filed under Seciton 439 of Cr.P.C. seeking regular bail to the petitioner in Crime No.26/2022 of Bagalur Police Station for the

offence punishable under Section 307 read with Section 149 of IPC.

4. Brief facts of the case are as under:

A complaint came to be filed by Sri Venugopal S/o. Venkatesh contending that the complainant is working as Human Resource Telecaller in Amazon

Company. In the same company, one Surendra was working as an Associate. At about 6.30 p.m., when the complainant and Surendra had visited the

Company for night shift work, Human Resource Apps Admini Swarna Kumar called Surendra and told him that a girl by name Preethi has complained

against him and therefore, he need not work in the Company and asked him to go home. At about 7.45 p.m., Surendra went out side the Company. At

about 8.10 p.m., on the same day, Security Guard of the Company came and intimated to the complainant that Surendra is lying on the pool of blood.

Immediately, the complainant, Kanakaraj, Sanjay and others rushed to the spot and found that Surendra had sustained injury on the left abdomen with

piercing injuries. Immediately, the injured was shifted to Vinayaka Hospital in an Ambulance. On enquiry with Surendra, as to why he sustained such

an injury, he told that 5-6 persons came in front of the Company and with an intention to kill him, stabbed on the abdomen reason. Even before he

could reveal the names of the assailants, he lost his consciousness. There first aid was given to him and thereafter, he was shifted to the Pro-Life

Hospital for higher medical care. Based on the said complaint, the Police have registered a case as aforesaid and ultimately, filed charge sheet.

5. The petitioner has been arrested in the said case and he had sent to judicial custody on and from 03.02.2022.

6. The attempt made by the petitioner seeking grant of bail was turned down by order dated 19.02.2022. Thereafter, the petitioner is before this Court.

7. Sri Mahesh Kiran Shetty, learned counsel for the petitioner vehemently contended that the petitioner is innocent of the offence alleged against him

and he has been falsely implicated in the case. He further contended that the Police after thorough investigation, filed charge sheet. Therefore, all

apprehensions of the prosecution stands quelled and continuation of the accused in judicial custody is no longer warranted. He further contended that

the petitioner is having II PUC examination on and from 18.04.2022. Therefore, the petitioner be enlarged on bail.

8. Per contra, learned High Court Government Pleader opposes the bail petition stating that the injury caused to the injured is very serious and grave

injury. If the petitioner/accused be enlarged on bail, there is every possibility of he may repeat similar offence and therefore, sought for rejection of the

bail.

9. In view of the rival contentions of the parties, this Court perused the records.

10. Admittedly, the complaint came to be filed on the very same day of the incident and thereafter, within three days, Police were able to apprehend

the present petitioner on 03.02.2022. Thereafter, he is in judicial custody.

11. The Investigating Agency after thorough investigation, completed the investigation and filed charge sheet against the petitioner herein and others.

12. Taking note of the fact that the accused is in judicial custody and charge sheet is filed and also taking note of the fact that the petitioner is to

attend the examination of II PUC on and from 18.04.2022 as is found in time table filed along with a memo before this Court, this Court is of the

considered opinion that the petitioner be enlarged on bail. The apprehension of the prosecution can be met with by imposing suitable and stringent

conditions. Accordingly, this Court pass the following:

ORDER

1. The petition is allowed.

2. The petitioner shall be enlarged on bail by taking a bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the like-sum to the

satisfaction of the Trial Court.

3. The petitioner shall attend the Court regularly.

4. The petitioner shall not misuse the bail order in tampering the prosecution witnesses.

5. The petitioner shall not leave the jurisdiction of Bengaluru Rural District without prior permission.

Learned High Court Government Pleader shall intimate about this order to the Investigating Officer and the Registrar (Judicial) shall arrange for the

certified copy, out of turn today itself, if applied.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.