

Prakash S/O. Bhimappa Madar & Ors. Vs State Of Karnataka

Court: Karnataka High Court, Dharwad Bench

Date of Decision: Jan. 30, 2025

Acts Referred: Indian Penal Code, 1860 " Section 34, 304, 323, 448, 504, 506
 Constitution Of India, 1949 " Article 21

Hon'ble Judges: Hemant Chandangoudar, J

Bench: Single Bench

Advocate: K.L. Patil, S.S. Beturmath, Praveena Y. Devareddiyavara

Final Decision: Allowed

Judgement

Hemant Chandangoudar, J

1. Heard the learned counsel for the petitioner and the learned Additional Government Advocate for the respondent " State.

2. The case of the prosecution is that there was a dispute between the injured " Vittal Salamantapi and accused No.1 in relation to selling of liquor

in Ningapur village. In this background, on 1.4.2024 at 11.45 p.m., when the injured " Vittal Salamantapi was in his house at Ningapur village,

accused No.1 trespassed into the house and dragged the injured out of the house abusing him in filthy language, and accused No.2 also abused the

injured in filthy language, and both the accused persons assaulted the injured causing injuries on his head. When the deceased, Tayavva came to

pacify the quarrel, accused No.1 pulled Tayavva on the ground, and abused in filthy language, and also assaulted Tayavva on the chest and body, as a

result of which, Tayavva died.

3. Accused Nos.1 and 2 assaulted Tayavva when she was came to pacify the quarrel.

4. Section 304 of IPC deals with punishment for culpable homicide not amounting to murder and states that whoever commits culpable homicide not

amounting to murder shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years.

Whether the assault made on Tayavva was premeditated is not, which matter requires to be considered only at the time of trial.

5. The petitioners are in custody since 7.4.2024, and the investigation having been completed, they are not required for further interrogation, and

prolong pre-trial detention is anathema to the concept of liberty as envisaged under Article 21 of the Constitution of India. Accordingly, I pass the

following:

ORDER

i) Criminal petition is allowed.

ii) Petitioners-accused Nos.1 and 2 are enlarged on bail in Crime No.44/2024 registered by the Lokapur Police Station, Bagalkot, for the offences

under Sections 448, 323, 304, 504, 506 read with Section 34 of IPC, which is now registered as CC No.565/2024 pending on the file of the learned I

Additional District and Sessions Court and Bagalkote, subject to the following conditions:

(a) Petitioners/accused Nos.1 and 2 shall furnish a personal bond each for a sum of Rs.1 lakh with one surety for the likesum to the satisfaction of the

jurisdictional Court.

(b) They shall appear before the Court as and when required.

(c) They shall not threaten or allure the prosecution witnesses in whatsoever manner.

(d) They shall not get involved in similar offences.

(e) They shall not leave the territorial limits of the Trial Court without prior permission of the Trial Court.