
(2016) 05 KAR CK 0008

KARNATAKA HIGH COURT

Case No: Criminal Petition No. 3262 of 2016

V. Chandrashekar

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision: May 19, 2016

Citation: (2016) 3 AirKarR 414 : (2016) 4 KCCR 561

Hon'ble Judges: B. Manohar, J.

Bench: Single Bench

Advocate: Sri Sankare Gowda, H.N, Advocate, for the Appellant; Sri K. Nageshwararappa, HCGP, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

B.Manohar, J.—Petitioner has filed this petition under Section 438 of Cr.P.C. seeking for grant of anticipatory bail in the event of his arrest in Crime No. 78/2016 Channapatna Rural Police Station for the offences punishable under Sections 279, 324, 327, 337, 506(B) and 149 of IPC.

2. The case of the prosecution is that one Sai Satisha lodged a complaint on 8-3-2016 alleging that on 5-3-2016, after completing his work and returning to his village at Channapatna in his motorbike bearing registration No. KA-02/JG-6149 at about 7.45 p.m., near Shyamsundar Hotel at Byrapatna, a Innova car bearing registration No. KA-53/M-4912 dashed his motorbike from hind side. Due to the impact, the complainant fell down and sustained grievous injuries. On questioning the rash and negligent driving of the said Innova car, the inmates of the said car assaulted the complainant with hon rods on the head, face and robbed silver chain and also a sum of Rs.4,000/- cash from him. The Police have registered a case for the offences punishable under Sections 279, 327, 337, 324, 506(B) read with Section 149 of IPC. On the apprehension of arrest, the petitioner and three other persons filed Criminal Misc. No. 149/2016 before the I Additional District and Sessions Court at Ramanagara. The said petition was dismissed

by the I Additional District and Sessions Court at Ramanagara on 11-03-2016. Hence, the petitioner has filed this petition seeking anticipatory bail.

3. Learned Counsel appearing for the petitioner contended that a false case has been foisted against the petitioner. No allegation is made against the petitioner regarding assault with iron rods on the face and shoulders of the complainant. In the complaint, it was specifically mentioned that when the complainant questioned the rash and negligent driving of the Innova car, the inmates of the car abused and assaulted him. There is no allegation against the petitioner and hence sought for grant of anticipatory bail.

4. Learned Additional SPP appearing for the respondent-State vehemently opposed for grant of anticipatory bail on the ground that as on the date of accident, the petitioner was driving the Innova car in a rash and negligent manner and dashed against the complainant's motorbike and thereafter, the inmates of the Innova car attacked the said complainant. The petitioner also has contributed for the same. Hence, sought for dismissal of the petition.

5. I have carefully considered the arguments addressed by the learned counsel for the parties and perused the copy of the complaint, FIR and also the order made in Cri. Misc. No. 149/2016 by the I Additional District and Sessions Court at Ramanagara dated 11-04-2016 and other relevant records.

6. The accident occurred on 5-3-2016 and in that accident, the rider of the motorbike sustained injuries. However, the complaint was lodged on 8-3-2016 alleging that the inmates of the Innova car assaulted the rider of the motorbike with iron rods and snatched his chain and Rs.4,000/- cash from him. No specific allegation has been made against the driver of the Innova car. The records clearly disclose that as on the date of accident, the petitioner was driving the Innova car. The involvement of the petitioner has to be considered during the trial. The offences alleged against the petitioner are not punishable with death or imprisonment for life. Hence, I am of the opinion that it is a fit case for granting anticipatory bail.

7. Accordingly, I pass the following:

ORDER

The petition is allowed.

Petitioner is enlarged on bail in the event of his arrest in Cr.No.78/2016 on the file of Channapatna Rural Police Station, subject to the following conditions:

(1) Petitioner shall be released on bail in the event of his arrest on executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with one surety, for the like sum to the satisfaction of the concerned Investigating Officer;

(2) Petitioner shall surrender before the Investigating Officer within 20 days from today and shall co-operate with the Investigating Officer in conducting investigation;

(3) Petitioner shall mark his attendance in jurisdictional police station once in a month i.e. on every Sunday between 9.00 a.m. and 5.00 p.m., till the submission of the final report.

(4) Petitioner shall not hold out threats to the prosecution witnesses in any manner;

(5) Petitioner shall not involve in any similar activities;

(6) If the petitioner violates any one of the above conditions, the prosecution is at liberty to seek for cancellation of bail.