

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION No.7856/2021

BETWEEN:

SRI.VISHWANATH RAO @ VISHU,
S/O VENKAT ROA,
AGED ABOUT 48 YEARS,
RESIDING AT
SRIPATHIHALLI VILLAGE,
KASABA HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT - 562 120.

..PETITIONER

(BY SRI.HARISH PRABU S., ADVOCATE)

AND:

STATE BY MAGADI P.S.,
REPRESENTED BY S.P.P.,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

..RESPONDENT

(BY SMT.RASHMI JADHAV, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER
SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE
PETITIONER ON BAIL IN CR.NO.183/2021 OF MAGADI
P.S., RAMANAGARA FOR THE OFFENCE P/U/S 302 OF
IPC.

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

ORDER

This petition is filed by the petitioner/accused No.1 under Section 439 of Cr.P.C. for granting regular bail in Crime No.183/2021 registered by Magadi Police, Ramanagara for the offences punishable under Section 302 of Indian Penal Code.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that one Mahalakshamma, the wife of the deceased filed a complaint on 20.08.2021 before the police alleging that on 20.08.2021, when she was in the house, her brother-in-law Rangaswamaiah came and informed that

her husband went to the land of the petitioner-accused No.1 to enquire in respect of grazing of cattle in his land and picked up quarrel. The accused abused him in filthy language and assaulted the deceased with hands and he fell down and sustained injuries. Immediately, he was taken to hospital where he was declared as dead. After registering the case, the police arrested the petitioner on 25.08.2021 and he has been remanded in judicial custody. The petitioner approached the Sessions Court for grant of bail, which came to be dismissed. Hence, he is before this Court.

4. Upon hearing the arguments of learned counsel for the petitioner and the learned HCGP for the respondent-State and upon perusing the records, especially, the statement of eyewitness-Rangaswamaiah reveals that the accused said to be grazed the cattle in the land of the deceased. Therefore, he went to the land of the accused and

picked up quarrel asking why he grazed the cattle in his land and destroyed the crop. At that time, the accused fisted and assaulted the deceased on his cheek and ear. Due to which he sustained injuries and died on the spot. By looking into the facts and circumstances of the case, it cannot be said that the petitioner is in motive and prepared attempt to commit murder of the deceased, when the deceased himself went to the land of the accused and picked up quarrel, at the time, the petitioner assaulted him with hand which caused to death of the deceased. It is said to be culpable homicide not amounting to murder. The petitioner is in custody for more than three months. Charge sheet has been filed. Investigation has been completed. Learned counsel for the petitioner produced a copy of death certificate of the mother of the accused and she was said to be expired on 24.11.2021. No one is there to look after his family members. Such being the case,

keeping the accused in custody will not serve any purpose. Therefore, I am of the view that without expressing any opinion on the merits of the case and by imposing certain conditions, if the petitioner-accused No.1 is granted bail, no prejudice would be caused to the case of the prosecution. Hence, I pass the following:

ORDER

The criminal petition is ***allowed***.

The trial Court is directed to release the petitioner-accused No.1 on bail in Crime No.183/2021 registered by Magadi Police, Ramanagara for the offences punishable under Section 302 of Indian Penal Code, subject to the following conditions:-

- i) Petitioner shall execute personal bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for likesum to the satisfaction of the trial Court;*

- ii) Petitioner shall not tamper with the prosecution witnesses directly or indirectly;*
- iii) Petitioner shall not indulge himself in similar offences strictly;*
- iv) Petitioner shall take the trial without causing any delay; and*
- v) Petitioner shall not leave the jurisdiction of this Court without prior permission.*

**Sd/-
JUDGE**

KTY