

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.319/2022

BETWEEN:

PARAMESH
S/O PUTTEGOWDA
AGED ABOUT 30 YEARS
RESIDING AT KAPANIGOWDANADODDI
VILLAGE, UYYAMBALLI HOBLI
KANAKAPURA TALUK
RAMANAGAR DISTRICT-562 117. ... PETITIONER

(BY SRI D.R.SRIDHARA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY SATHANUR POLICE STATION
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU-560 001. ... RESPONDENT

(BY SRI SHANKAR H.S., HC GP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.212/2021 REGISTERED BY SATHANUR POLICE STATION, RAMANAGARA, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 307 R/W 34 OF IPC AND SECTIONS 3 AND 25 OF INDIAN ARMS ACT.

THIS CRIMINAL PETITION COMING ON FOR ORDERS '**THROUGH VIDEO CONFERENCE**' THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.212/2021 registered by Sathnoor Police Station, Ramanagara District, for the offences punishable under Section 307 read with Section 34 of IPC and Sections 3 and 26 of Arms Act.

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

3. The factual matrix of the case is that when the complainant was with his friend Santhosh near his house at around 10:30 p.m, this petitioner and accused No.1 came there, but accused No.1 was having gun with him and threatened him that he would take away his life. Based on the complaint, a case has been registered against this petitioner and accused No.1.

4. The learned counsel appearing for the petitioner submits that though an allegation is made against this petitioner that this petitioner was with accused No.1 and no any overt act allegation against this petitioner and only the life threat was caused. In order to invoke Section 307 of Cr.P.C., there are no any ingredients. Hence, he may be enlarged on bail.

5. Per contra, the learned High Court Government Pleader appearing for the State would submit that accused No.1 came along with this petitioner, abused and assaulted the complainant.

6. Having heard the learned counsel appearing for the petitioner and the learned High Court Government Pleader appearing for the State and on perusal of the material available on record, particularly, the content of the complaint, an only allegation is that this petitioner accompanied accused No.1. Accused No.1 was having gun with him and no overt act allegation against this petitioner. When such being the factual aspects of the case, I am of the opinion that it is a fit case to

exercise the discretion under Section 438 of Cr.P.C., in favour of the petitioner.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in respect of Crime No.212/2021 registered by Sathnoor Police Station, Ramanagara District, for the offences punishable under Section 307 read with Section 34 of IPC and Sections 3 and 26 of Arms Act, subject to the following conditions:-

- (i) The petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the concerned Investigating Officer.

- (ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- (iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation and he shall appear before the Investigating Officer, as and when called for.
- (iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior permission till the charge sheet is filed or for a period of three months, whichever is earlier.
- (v) The petitioner shall mark his attendance once in a month i.e., on 30th of every month between 10.00 am and 5.00 pm., before the Investigating Officer for a period of three months or till the charge sheet is filed, whichever is earlier.

**Sd/-
JUDGE**

cp*