



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE H.P.SANDESH

CRIMINAL PETITION NO. 4068 OF 2024

BETWEEN:

1. SRI KIRANA
S/O DEVARJU K. GOWDA,
AGED ABOUT 20 YEARS,
RESIDING AT NO.540, SARABANDEPALYA,
NEAR GANGAMMANA TEMPLE,
SUBRAMANYA ROAD, BANASHANKARI,
BENGALURU – 560 070.
2. SRI VASANTHA
S/O SRI VASANTHA,
AGED ABOUT 22 YEARS,
RESIDING AT NO.56, 3RD CROSS,
VIVEKANANDA NAGARA, BANASHANKARI,
BENGALURU – 560 070.

...PETITIONERS

(BY SRI. RAJANNA C., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY TAVAREKERE POLICE STATION,
MAGADI CIRCLE,
RAMANAGARA DISTRICT,
REPRESENTED BY ITS STATE P.P.
HIGH COURT BUILDING,
BANGALORE -01.

...RESPONDENT





(BY SRI. DIVAKAR MADDUR, HCGP.)

THIS CRL.P. IS FILED U/S.439 OF CR.P.C., PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN CR.NO.216/2016 OF TAVAREKERE POLICE STATION, MAGADI CIRCLE, RAMANAGARA DISTRICT, FOR AN ALLEGED OFFENCE PUNISHABLE UNDER SECTIONS 143, 147, 148, 448, 427, 307, 302 READ WITH SECTION 149 OF IPC., PENDING ON THE FILE OF 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA, RAMANAGARA DISTRICT, IN THE INTEREST OF JUSTICE.

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

ORDER

Heard the learned counsel for the petitioners and the learned High Court Government Pleader appearing for the respondent-State.

2. The present petition is filed under Section 439 of Cr.P.C in view of jumping of the bail condition by these the petitioners/accused Nos.4 and 8 in Crime No.216/2016 of Tavarekere Police Station, Magadi Circle, Ramanagara District for the offence punishable under Section 143, 147, 148, 448, 427, 307, 302 R/w Section 149 of IPC. It is not in dispute that earlier bail was granted to them. It is the incident of the year 2016. These petitioners arrayed as



accused Nos.4 and 8. The accused was absconded from the year 2020 and he was secured only after issuing NBW that too in the year 2023.

3. The counsel appearing for the petitioners would contend that in view of Covid-19 pandemic he could not appear before the Court, no material is placed before the Court that whether he has suffered from Covid-19 or not and even assuming that he has suffered from Covid-19 also what made him to abscond from the year 2020 to 2023. When the Court already granted bail and exercised the discretion in favour of him, it is a clear violation of order of granting bail and almost 8 years has been elapsed as the incident is of the year 2016. In view of abscond of these two petitioners, split-up case is also registered in S.C.No.34/2023 and with great difficulty both of them are secured and they are in custody. When such being the material available on record, it is not a fit case to exercise the discretion in favour of the petitioners once again for granting bail and already 8 years has been elapsed, not yet reached its finality and split-up case is also registered.



Hence, it is a not a case for exercising the discretion in favour the petitioners once again and no grounds are made out.

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

ORDER

- i) The Criminal Petition is ***rejected.***
- ii) The Trial Court is directed to consider the matter expeditiously.

**Sd/-
JUDGE**

RHS
List No.: 1 Sl No.: 88