

Karnataka High Court  
Sri Jai Kumar H J vs State Of Karnataka on 22 May, 2023  
Bench: Mohammad Nawaz

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CRL.P No. 800 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ  
CRIMINAL PETITION NO. 800 OF 2023

BETWEEN:

SRI. JAI KUMAR H J. (ACCUSED NO. 3),  
S/O JAVAREGOWDA,  
AGED ABOUT 26 YEARS,  
RESIDENT OF P. HOSAHALLI VILLAGE,  
BELAGOLA HOBLI,  
SRIRANGAPATNA TALUK,  
MANDYA DISTRICT - 571 606.

...PETITIONER

(BY SRI. K SHRIDHARA, ADVOCATE)

AND:

STATE OF KARNATAKA,

Digitally signed  
by SANDHYA S  
Location: High  
Court of  
Karnataka

BY S. R. PATNA TOWN P. S,  
REPRESENTED BY PUBLIC PROSECUTOR,  
  
HIGH COURT OF KARNATAKA,  
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. K KRISHNA KUMAR, HCGP)

THIS CRL.P IS FILED U/S.439 OF CR.P.C PRAYING TO  
ENLARGE THE PETITIONER ON BAIL IN CR.NO.46/2022  
REGISTERED BY SRIRANGAPATNA POLICE STATION, MANDYA  
FOR THE OFFENCE P/U/S 143, 148, 341, 302 R/W 149 OF IPC

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PENDING ON THE FILE OF III ADDITIONAL DISTRICT AND

SESSIONS JUDGE, MANDYA (SITTING AT SRIRANGAPATNA) IN  
S.C.NO.5055/2022.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by accused No.3 under Section 439 of Cr.P.C. to enlarge him on bail in crime No.46/2022 of Srirangapatna Police Station registered for an offence punishable under Section 302 of IPC.

2. The aforementioned complaint is lodged by one Mahadevaprasad K S against unknown persons in connection with the murder of his son by name Sagar K M on the night intervening 03.03.2022 and 04.03.2022.

3. Charge sheet is filed naming five accused persons for offences punishable under Sections 143, 148, 341, 302 r/w 149 of IPC.

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4. It is alleged by the prosecution that on account of previous enmity, all the accused with an ulterior motive of committing the murder of complainant's son formed an unlawful assembly armed with deadly weapons, pursuant to the conspiracy held by them, on 03.03.2022 at about 10.00 p.m., and assaulted him indiscriminately with the weapons that they were carrying and committed his murder.

5. The prosecution has projected CWs.2 to 4 as the material witnesses who speak about the incident. However, on a careful perusal of their statements, the same does not indicate that they have witnessed the actual assault by the accused persons. It is no doubt true that the deceased was done to death brutally as it is seen from the PM report, wherein as many as 18 injuries are noticed on the dead body. However, the FIR has been registered against unknown persons. The petitioner came to be arrested on 08.03.2022 along with other accused persons. It is alleged that all the accused have conspired CRL.P No. 800 of 2023 together and formed an unlawful assembly and committed the murder.

6. Learned counsel for the petitioner has submitted that other accused have been already enlarged on bail. He has made available the copies of the order passed by the Co-ordinate Benches of this Court granting bail to accused No.1 in Crl.P.No.8848/2022 disposed of on 05.01.2023, accused Nos.2 and 4 in Crl.P.No.2011/2023 disposed of on 11.05.2023 and also the order passed by the learned Sessions Judge in Crl.Misc.No.5258/2022 dated 14.07.2022 enlarging accused No.5 on bail. It cannot be said that the case of the petitioner is different from the case of other accused who are already enlarged on bail. The petitioner is therefore entitled to bail on the ground of parity. Hence, I proceed to pass the following:-

ORDER The criminal petition is allowed.

CRL.P No. 800 of 2023 The petitioner - Accused No.3 shall be enlarged on bail in Crime No.46/2022 of Srirangapatna Police Station pending in S.C.No. 5055/2022 on the file of III Addl. District and Sessions Judge, Mandya (Sitting at Srirangapatna) registered for the offences punishable under Section 302 of IPC, subject to following conditions:

(i) Petitioner shall execute a personal bond in a sum of 2,00,000/-

(Rupees Two Lakh only) with two sureties for like sum to the satisfaction of the jurisdictional court.

(ii) Petitioner shall furnish proof of his

residential address and shall inform the court if there is any change in the address.

(iii) Petitioner shall not tamper with the prosecution witnesses/evidence either directly or indirectly.

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(iv) Petitioner shall not leave the jurisdiction of the trial court without the prior permission of the jurisdictional court.

(v) The petitioner shall regularly appear before the Trial Court on all dates of hearing.

(vi) Petitioner shall not involve in any criminal activities.

Sd/-

JUDGE SSD