

Karnataka High Court

Sri. Amith @ Gyari vs The State Of Karnataka on 29 May, 2023

Bench: Mohammad Nawaz

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CRL.P No. 3303 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ
CRIMINAL PETITION NO. 3303 OF 2023

BETWEEN:

1. SRI. AMITH @ GYARI
S/O MANJUNATHA
AGED ABOUT 21 YEARS
R/AT FOREST QUARTERS
ANUPINAKATTE, SHIVAMOGGA.

PERMANENT ADDRESS
3RD CROSS, NANDINI EXTENSION
ALKOLA, SHIVAMOGGA-577 201.

2. SRI VARSHITH @ GODSE
S/O RAVIKUMAR
AGED ABOUT 19 YEARS
R/AT MANDAKKI BHATTI
SEEGEHATTI,
SHIVAMOGGA- 577 201

Digitally signed
by LAKSHMI T
Location: High
Court of
Karnataka

3. SRI DILEEP @ DALI
S/O CHANNAPPA
AGED ABOUT 22 YEARS

R/AT BYPASS ROAD, URGADURU,
NEAR ACHCHAMMA TEMPLE
SHIVAMOGGA-577 203

4. SRI THEJAS @ KAAGE
S/O UMESH
AGED ABOUT 23 YEARS
R/AT 102, MPM MAIN ROAD,
SURAGITHOPU, BHADRAVATHI,
SHIVAMOGGA-577 301

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CRL.P No. 3303 of 2023

5. SRI AKASH
S/O ANAND
AGED ABOUT 20 YEARS
R/AT SURAGITHOPU, 4TH CROSS
MPM MAIN ROAD, BHADRAVATHI,
SHIVAMOGGA-577 302
6. SRI KISHAN M GOWDA
S/O MUKUND R GOWDA,
AGED ABOUT 19 YEARS
R/AT NIHAL VILLA SAMPIGEHALLI,
JAKKUR POST, YELLAHANKA,
BENGALURU-560 064
7. SRI ANAND M
S/O MANJUNATHA
AGED ABOUT 23 YEARS,
HANUMANTHAPURA VILLAGE,
PURUDAL, SHIVAMOGGA-577 205

...PETITIONERS

(BY SRI. VENKATESHA T S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY THE SUB INSPECTOR OF POLICE,
DODDAPETE POLICE STATION,
SHIMOGA SUB DIVISION
SHIVAMOGGA
REP BY SPP HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BANGALORE-560 001.

...RESPONDENT

(BY SRI. K.KRISHNA KUMAR, HCGP)

THIS CRL.P FILED U/S.439 CR.P.C PRAYING TO ENLARGE
THE PETITIONER ON BAIL IN CR.NO.65/2023 REGISTERED BY
DODDAPETE POLICE STATION, SHIVAMOGGA FOR THE

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CRL.P No. 3303 of 2023

OFFENCE P/U/S 399 AND 402 OF IPC AND SECTION 25(1)(a)
OF INDIAN ARMS ACT.

THIS PETITION IS COMING ON FOR ORDERS, THIS DAY,

THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed under Section 439 of Cr.P.C. by accused Nos.1 to 7 in Cr.No.65/2023 of Doddapete police station registered for the offences punishable under Sections 399 and 402 IPC and Section 25 (1)(a) of Indian Arms Act, 1959.

2. It is submitted by the learned counsel for petitioners that petitioners-1 and 5 / accused Nos.1 to 5 are already enlarged on statutory bail by the learned Magistrate and therefore, insofar as the said petitioners are concerned, the petition has become infructuous.

3. It is alleged in the complaint lodged by the PSI of Thunganagara police station that he received a credible information on 15.02.2023 at about 7.00 p.m. that few CRL.P No. 3303 of 2023 persons are making preparation to commit dacoity and as such he went to Room No.25 of Pallavi Tourist Lodge situated at A.A.Circle, Shivamogga and apprehended accused Nos.1 to 5, who were conspiring to commit dacoity by stopping the vehicle plying on Shivamogga-Gajanur road. Weapons and chilli powder were seized from their possession.

4. Insofar as petitioners-6 and 7 are concerned, they were arrested on 17.02.2023. It appears that their names came to be revealed by accused Nos.1 to 5. Except the voluntary statement of accused Nos.1 to 5, at this stage there are no sufficient material against the petitioners. It is submitted that from the possession of the petitioners no incriminating articles are recovered. Hence, the following:

ORDER i. Petition is allowed in part.

CRL.P No. 3303 of 2023 ii. Petition in respect of petitioners.1 to 5/accused Nos.1 to 5 is dismissed as having become infructuous.

iii. Petition is allowed in respect of petitioners-6 and 7/accused Nos.6 and 7.

iv. Petitioners-6 and 7/accused Nos.6 and 7 shall be enlarged on bail in Cr.No.65/2023 of Doddapete Police station, Shivamogga, subject to following conditions:

i. The petitioners shall execute a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand

only) each with two sureties for the likesum to the satisfaction of the jurisdictional Court.

ii. Petitioners shall furnish proof of their residential address and shall inform the Investigating Officer/Court, if there is any change in the address.

- iii. Petitioners shall not directly or indirectly tamper with the prosecution witnesses.
- iv. Petitioners shall not indulge themselves in committing any offence.
- v. Petitioners shall appear before the Trial Court regularly.

Sd/-
JUDGE

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