

Doreswamy Vs. State of Karnataka

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Court : Karnataka

Decided On : Mar-20-2014

Judge : R.B. Budihal

Appeal No. : Criminal Petition No. 1653 of 2014

Appellant : Doreswamy

Respondent : State of Karnataka

Judgement :

(Prayer: This criminal petition is filed under Section 438 of the Cr.P.C. praying to enlarge the petitioner on bail in the event oi' his arrest in Cr. No. 11/2014 of Besagarahalli P.S., Mandya, for the offences punishable under Sections 504, 323, 327, 353, R/W 34 of IPC.)

1. This petition is filed by the petitioner-accused No.I under Section 438 of Cr.P.C. seeking a direction to the respondent police that in the event of his arrest, he be released on bail of the offences punishable under Sections 504, 323, 327 and 353, read with Section 34 of IPC registered in respondent Police Station Clime No. 11/2014.

2. I have heard the learned Counsel appearing for the petitioner-accused No.I and the learned High Court Government Pleader appearing for the respondent-State.

3. Learned Counsel for the petitioner, during the course of the arguments, submitted that the petitioner is totally unconnected with the offences alleged and he has been falsely implicated in the case. He submitted that accused No.2 is already granted bail by the order of this Court and on the ground of parity, the petitioner is also entitled to be admitted on bail.

4. As against this, learned High Court Government Pleader appearing for the respondent-State, during the course of the arguments, submitted that regarding the offence committed by the petitioner, there are statement of witnesses and also the injured person, who have clearly stated about the assault made by the petitioner on the complainant. He submitted that the matter is still under enquiry and at this stage, the petitioner is not entitled to be released on bail

5. I have perused the averments made in the bail petition, FIR, complaint and the other materials on record. I have also perused the order dated 11.3.2014 passed by this Court in Crl.P. No. 1603/2014 in respect of accused No.2.

6. Perusal of the allegations made in the complaint, it is clear that they are similar against the petitioner and also accused No.2, who has already been granted bail. The offences alleged are not punishable for death or imprisonment for life and they are exclusively triable by the Court of Magistrate. In the petition, the petitioner has contended that he has been falsely implicated in the case and he is ready to abide by any condition that may be imposed by this Court. Therefore, looking to the materials on record so also on the ground of parity, the petitioner is entitled for grant of anticipatory bail.

7. Accordingly, the petition is allowed. The petition is allowed. The respondent police are directed to release the petitioner on bail in the event of his arrest for the offences punishable under Sections 504, 323, 327 and 353, read with Section 34 of IPC registered in Crime No. 14/2014, subject to the following conditions*

I. The petitioner shall execute a bond for a sum of Rs-25,000/- (Rupees twenty-five thousand only) and shall offer one surety for the likesum to the concerned Magistrate Court.

II. The petitioner shall appear before the investigating officer for the purpose of interrogation, whenever called upon to do so.

III. The petitioner shall not intimidate or tamper with prosecution witnesses, directly or indirectly.

IV. The petitioner shall appear before the concerned Magistrate Court within thirty days from the date of this order and shall execute personal bond as well as surety bond.

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