

Bheerappa and Others Vs. The State, Reptd By Public Prosecutor

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Court : Karnataka Gulbarga

Decided On : Oct-07-2014

Judge : A.S. Pachhapure

Appeal No. : Criminal Petition No.200804 of 2014

Appellant : Bheerappa and Others

Respondent : The State, Reptd By Public Prosecutor

Judgement :

(Prayer: This Crl.P Is Filed Under Section 438 Of Cr.P.C Praying To Grant Anticipatory Bail To The Petitioners In Crime No.151/2014 (Fir No.601/2014) Of Balaganur P.S. Tq: Sindhanur On The File Of Learned Judge Of Addl. JMFC, Sindhanoor, Which Is Registered For The Offences P/U/S/ 143, 147, 148, 324, 326, 307, 504, 506, 149 Of Ipc.)

1. The petitioners have sought for anticipatory bail apprehending their arrest in Crime No.151/2014 of Balaganur police station, registered for the offences punishable under Sections 143, 147, 148, 324, 326, 307, 504, 506 read with Section 149 of IPC.

2. The facts reveal that on 18.08.2014 at about 3.00 p.m. when the injured and other persons were sleeping, the petitioners formed unlawful assembly and armed with the weapons said to have caused assault on the injured persons and on a complaint, the aforesaid crime came to be registered. Apprehending their arrest,

the petitioners have approached this Court for grant of anticipatory bail, as their request was rejected by the learned Sessions Judge.

3. The petitioners have produced the documents which reveal that the injured persons were involved in numerous criminal cases in Crime Nos.86/2009, 105/2010, 2/2010, 53/2010, 76/2010, 217/2010, 7/2011 etc. That apart prior to the incident, a case was registered against the complainant in Crime No.141/2014 registered for the offences punishable under Sections 504, 326, 307, 109, 506 read with Section 34 of IPC and they had applied for anticipatory bail before the Sessions Judge in CrI.Misc.No.488/2014. The said petition was allowed by the learned Sessions Judge on 16.08.2014 solely on the ground that the injury certificate was not produced.

4. When there are serious allegation, particularly for an offence under Section 326 of IPC, it is the duty of the learned Sessions Judge to direct the Government Pleader to produce the injury certificate, if it is needed instead of granting anticipatory bail. If the learned Sessions Judge had rejected the request on the ground of seriousness of the offence, this incident would not have occurred.

5. Any how, the complainant in this case and other injured persons were granted anticipatory bail in the aforesaid crime though there were series of criminal cases against them. So far as the petitioners, their presence can be secured before the Investigation Officer and taking into consideration the fact that the injured persons in this crime were granted anticipatory bail for similar offences though there were numerous criminal cases earlier, the interest of justice would be met if anticipatory bail is granted on certain conditions. That apart, the Government Pleader submits that the injured persons were discharged from the hospital.

In the result, the petition is allowed. The petitioners are ordered to be released on bail in the event of their arrest in Crime No.151/2014 for the aforesaid offences on their executing personal bond for a sum of Rs.50,000/- each with one solvent surety for the likesum each to the satisfaction of investigating agency with the further following conditions:

- i) That the petitioners shall attend the police station on every Sunday in between 10.00 a.m. to 11.00 a.m. until filing of the chargesheet.
- ii) The petitioners shall not tamper with the prosecution witnesses in any manner.
- iii) They shall not jump bail.

If any of the conditions are violated, the anticipatory bail entails cancellation. Intimate the concerned authority.

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