

Ranganatha Vs. The State of Karnataka

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Court : Karnataka

Decided On : Jul-02-2014

Judge : R.B. Budihal

Appeal No. : Criminal Petition No.3688 of 2014

Appellant : Ranganatha

Respondent : The 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 of his arrest in Cr. No.7/2013 of Arasikere Town P.S., Hassan, for the offences punishable under Sections 143, 147, 148, 324, 307, 353, 332, 341, 323, 341, 504, 506 read with Section 149 of IPC and under Sections 3(1)(x) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act (for short 'SC-ST Act').

1. This petition is filed by the petitioner-accused No.2 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 143, 147, 148, 324, 307, 353, 332, 341, 323, 341, 504, 506 read with Section 149 of IPC and under Sections 3(1)(x) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act (for short 'SC-ST Act'), registered in respondent Police Station Crime No.7/2013.

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

3. I have perused the averments made in the bail petition, FIR, complaint and the other materials on record. I have also perused the order passed by the lower court on the bail application.

4. Looking to the FIR, the case is also registered for the alleged offence under Sections 3(1)(10) and 3(2)(v) of the SC-ST Act. This petition is filed under Section 438 Cr.P.C seeking anticipatory bail. As per Section 18 of the SC-ST Act, there is a bar for grant of anticipatory bail. Therefore, the Court has to examine the materials placed on record and to see as to whether the allegations and the averments made in the complaint and the other materials on record would make out a case to attract the provisions of Sections 3(1)(10) and 3(2)(v) of the SC-ST Act. Automatically, Court cannot say that there is absolute bar under Section 18 and the petition is not maintainable. Looking to the averments made in the complaint, the complainant has mentioned that he has been abused by the accused persons taking his caste's name. It is also mentioned that though the accused persons knowing fully well that the complainant belongs to the SC-ST community and they belong to vokkaliga community, abused him by taking the name of the caste. Except this allegation in the complaint, it is not mentioned specifically as to what are the abusive words used to the complainant and who has used the said words. Only a bald and vague allegations are made against the accused persons. Therefore only on the basis of the said allegations in the complaint, it cannot be inferred by this Court at this stage that the allegations constitute an offence punishable under the provisions of the SC-ST Act. Therefore, in view of these materials, I am of the opinion that Section 18 of the SC-ST Act cannot be bar to entertain the petition for grant of anticipatory bail.

5. So far as the other offences are concerned, learned Counsel has relied upon the order passed by this Court in Crl.P. No.3519/2014 dated 25.6.2014 wherein this Court has considered the entire merits of the case and ultimately, granted bail accused Nos.6 and 7. Accused No.1 is also granted bail by the order of this Court dated 8.3.2013 in Crl.P. No.945/2013. The other accused persons are also

granted bail by the order of the Sessions Court. Therefore looking to the allegations in the complaint, I am of the opinion that the petitioner is also standing on the same footing with that of the other accused persons. Since the allegations are similar in nature, on the ground of parity, the petitioner is also entitled for grant of bail. The offences are not exclusively punishable with death or imprisonment for life.

6. The petitioner has contended in the bail petition that he is innocent and there is false implication of his name in the case. He has undertaken that he is ready to abide by any conditions to be imposed by the Court. Therefore, in view of these materials on record, I am of the opinion that by imposing reasonable conditions, the petitioner can be admitted to bail.

7. Accordingly, 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 143, 147, 148, 324, 307, 353, 332, 341, 323, 341, 504, 506 read with Section 149 of IPC and under Sections 3(1)(x) and 3(2)(v) of the SC and ST (Prevention of Atrocities) Act, registered in respondent Police Station Crime No.7/2013, subject to the following conditions:

I. The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty 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.