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Court : Karnataka

Decided On : Aug-31-2015

Judge : L. Narayana Swamy

Appeal No. : Criminal Petition No. 5244 of 2015

Appellant : Ramamurthy and Another

Respondent : State by Chikkajala Police Station

Judgement :

1. Petitioners have been charged for the offences punishable under Sections 143, 147, 324, 504, 506, 307 read with Section 149 of Indian Penal Code, 1860 in Cr.No.86 of 2015 of Chikkajala Police Station.

2. Case of the prosecution is that on 12-7-2015 complainant-Manjunatha s/o. Ramachandra has filed a complaint to the respondent-police stating that on 11-7-2015 at about 4 p.m. one Ganesh (who is the servant of the complainant) walking near the poultry farm, Palanahalli. At that time, accused 1-Chandrashekar stopped him and forcefully taken Rs.1,500/- from his pocket and also beaten him. The incident was intimated by the said servant Ganesh to the complainant. Thereafter complainant on the same day in the evening met accused 1 and enquired about the incident. But accused 1 scolded him in filthy language and also threatened the complainant that he would bring his followers to teach a lesson. On the same day at about 6-45 p.m. when the complainant and his servant Ganesh standing near

the shop of one Srinivas situated at Palanahalli, accused 1 came along with 5 to 6 persons holding weapons in three motorcycles and accused 1 told his followers by showing complainant to finish him.

3. One of the accused assaulted the complainant with iron rod but complainant escaped and one accused assaulted with chopper on the head and two accused assaulted on shoulder of the complainant and two accused assaulted on legs with wooden sticks and they also assaulted the said Ganesha. The complainant raised hue and cry. On seeing the galata, people gathered and the accused persons left the place threatening the complainant that they will not leave him and they will back again and kill him. Thereafter he has taken treatment in Government Hospital and NIMHANS Hospital. On the next day i.e., on 12-7-2015 at 1.10 p.m. complainant lodged the complaint. Petitioners have been arrayed as accused 4 and 5.

4. I have heard the learned Counsel for the petitioners and the Government Pleader for the respondent-State.

5. Counsel for the petitioner submitted that there is inordinate delay in lodging the complaint and on valid reasons are forthcoming for the inordinate delay. He further submitted that 2nd petitioner-accused 5 was arrested after 4 days of the alleged incident while he was in bus stop and 1st petitioner-accused 4 was arrested after 5 days of the alleged incident and they have been implicated only on the basis of the alleged voluntary statements said to have been recorded. He further submits that main accused persons are accused 1 and 2 who have threatened and assaulted the complainant with deadly weapons. So far as these petitioners are concerned, no material on record to show that they have assaulted the complainant or threatened the complainant or they have involved in the said accident.

6. Counsel for the petitioners further submit that matter is still under investigation and on securing the wound certificate of the complainant it is seen that he has taken treatment as an outpatient and further it reveals that he suffered minor head injuries. He further submitted that petitioners are permanent residents of Amruthahalli, Bangalore and they are having deep roots in the society and they have their own families to look after. He belongs to a respectable family and owns

movable and immovable properties and he has got deep roots in the society. He is ready and willing to offer solvent surety to the satisfaction of the Court and willing to abide by any conditions to be imposed by this Court.

7. Considering the fact that nature of injury and the treatment taken by the complainant as an outpatient and also of the fact complaint is against one Chandrashekar and 5-6 unknown persons, I am inclined to grant bail. Accordingly, the following:

ORDER

The petition is allowed. Petitioners are granted bail in Cr.No.86 of 2015. They shall execute a bond for a sum of Rs.75,000/- with one solvent surety each for the like sum to the satisfaction of the jurisdictional Court.

They shall not hold out threat to prosecution witnesses or tamper with evidence.

They shall attend the Court on all dates of hearing, except under unavoidable circumstances.

If they fail to appear before the Trial Court even for a single hearing without sufficient cause, this bail order will stand cancelled automatically.

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