

Thimma @ Basava vs State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-28-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.P/414/2025

Appellant : Thimma @ Basava

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 414 OF 2025 BETWEEN: THIMMA @ BASAVA S/O VENKATAPPA, AGED ABOUT 25 YEARS, R/AT NO.1775, 2ND CROSS, NEAR YALLAMMA TEMPLE, BHUVANESHWARI NAGARA, JNANABHARATHI, BENGALURU- 560 056 PETITIONER (BY SRI. VIVEKANANDA N., ADVOCATE) AND: STATE OF KARNATAKA BY JNANABHARATHI.P.S., BENGALURU, REP BY STATE PUBLIC PROSECUTOR,

Digitally HIGH COURT BUILDING, signed by BANGALORE -560 001 LAKSHMI T RESPONDENT Location: High Court (BY SRI.RANGASWAMY R., HCGP) of Karnataka THIS CRL.P FILED U/S.439 (FILED U/S.483 BNSS), PRAYING TO ENLARGE THE PETITIONER ON BAIL IN S.C.NO.878/2024 ARISING OUT OF CRIME NO.14/2024 FOR THE ALLEGED OFFENCE P/US/ 364-A,302,120-B,201 R/W SEC.34 OF IPC 1860. THE LXVIII ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY HAS DISMISSED THE BAIL PETITION ON 17.09.2024 IN CRL.MISC.NO.7812/2024.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER

WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ -2-

ORAL ORDER

Petitioner/accused No.4 in Crime No.14/2024 of Jnanabharathi Police station, Bangalore City, now pending in S.C.No.878/2024 before the Court of LXVIII Addl. City Civil and Sessions Judge, Bangalore, has preferred this petition praying to enlarge him on bail.

2. Heard the arguments of the learned counsel for petitioner, learned High Court Government Pleader for the State and perused the material on record.

3. Brief facts of the case: Deceased Guru Siddappa is a resident of house

No.216, Ground floor, Vinayaka Layout, Bengaluru. He was working as a manager in Auto Vision Private Limited Company situated at J.C. Road. CW2 is the wife of deceased. The deceased had a two wheeler bearing registration No.KA-25-EU-4607. For servicing the said twowheeler, he used to visit one S.V. Bike Point Garage and at that time, he got acquainted with accused No.1.

-3- The said accused used to borrow hand loan from the deceased and return a sum of Rs.300/- everyday through Phone Pay to CW2, wife of the deceased. The deceased had a site measuring 20X40 feet in

Kusugal Village, Hubballi. Pledging the said site, he had availed a loan of Rs.10,00,000/- from ICICI Bank, on 17.11.2023. Out of the said amount, he had spent a sum of Rs.4,00,000/- towards the education of CW2. The remaining amount of Rs.4,50,000/- was kept in his house. He had informed the same to accused No.1. Hence, accused No.1 conspired with accused Nos.2 and 3 in one Malnad Residential Lodge to grab the said money. On 30.12.2023 at 8.00 am., accused Nos.1 to 3 informed

accused No.4 about their plan, he also agreed to cooperate. In furtherance of the conspiracy hatched, they travelled in a Silver colour Maruthi Ritz Car bearing registration No.KA03-MQ-3048 and at about 8.15 am., went to one Desi Tea master, Tea Stall. After having tea, they telephoned to accused No.1 and secured him to the

-4-

said place and telling that they are going to Manchanabele, took him along with them in the car. On the way accused No.1 asked the deceased to lend a loan of Rs.50,000/-. When he refused, the accused threatened him at knife point. Due to fear, deceased agreed to give the amount kept in the house. Thereafter, the accused made the deceased to call his wife over phone and to give Rs.4,50,000/- kept in his house. Accused No.4 went to the house of the deceased and received the amount from CW2, wife of the deceased. Thereafter, once again the accused told the deceased to call his wife and got transferred a sum of Rs.20,000/- through Phone pay. A sum of Rs.30,000/- was withdrawn using ATM card from the Federal ATM Centre.

4. It is the further case of prosecution that

thereafter, the accused took the deceased to a secluded place in Kanchidoddi Village and committed his murder by stabbing him on his chest and abdomen and removed the -5- gold chain, purse, ATM card, mobile phone and key of the two wheeler.

5. Learned counsel for petitioner has contended

that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. It is contended that accused Nos.1 and 2 were arrested on 09.01.2024 in connection with Crime No.5/2024 of Jnanabharathi Police station and their confession statements were recorded and on that basis, petitioner has been falsely implicated in this case. It is further contended that there is absolutely no recovery effected at the instance of the petitioner and there is no material to connect him with the crime. Learned counsel submitted that accused No.3 is already enlarged on bail by this Court and the petitioner herein is similarly placed and therefore, he is also entitled for bail.

6. Learned High Court Government Pleader has

opposed the prayer for bail contending that the petitioner and other accused have committed a brutal murder and there are materials against the petitioner showing his -6- involvement in the commission of the offence. It is contended that the statement of CW2, wife of the deceased shows that the petitioner has received a sum of

Rs.4,50,000/- from her and the said amount was recovered from accused No.1. It is further contended that CWs.25 and 26 have seen all the accused together in the tea shop prior to the incident and subsequent to the incident, the accused have stayed in the lodge and that is spoken by CWs.29 to 32. He contended that the offence committed is heinous in nature and therefore, petitioner is not entitled for the relief of bail.

7. Accused Nos.1 and 2 came to be arrested on 09.01.2024 in Crime No.5/2024 of Jnanabharathi

Police Station. They confessed about the crime committed by them along with accused Nos.3 and 4. On the basis of the voluntary statement, involvement of accused Nos.3 and 4 also came to be revealed. On the basis of a complaint lodged by Sri. Chandrashekar, case was registered against -7- accused Nos.1 to 4 for offences punishable under Sections 364A, 120B, 302 IPC r/w Section 34 of IPC. Petitioner/accused No.4 came to be arrested on 14.03.2024.

8. Case of the prosecution is that accused were

intending to grab money which was with the deceased and therefore, conspired together to commit his murder. On the date of incident, on the pretext of taking the deceased to Manchanabele Dam, they took him in a car and committed murder by stabbing him.

9. The exact opinion as to cause of death could not be furnished as the body was highly decomposed and

many parts of the body were missing. However, incised injuries were noticed. According to prosecution, accused Nos.1, 2 and 4 stabbed the deceased on his chest several times.

10. After the arrest of accused Nos.1 and 2, pair of chappal, specs and pant of the deceased were seized. The decomposed body was also traced. -8-

11. I have perused statement of CW2, wife of the

deceased. Her statement shows that on the very same day, petitioner visited the house of deceased and took Rs.4,50,000/- from her. Said amount has been recovered from accused No.1. CWs.25 and 26 have stated about the accused persons together in a tea shop. Similarly, CW28 has spoken about the deceased and the accused moving in a car. CWs.29 and 32 have spoken about the accused persons staying in the lodge on 30.12.2023 at about 10.20 pm., subsequent to the incident. CW33 stated that he has seen the accused persons near the Dam.

12. There are materials against the petitioner showing his complicity in the crime. It cannot be said that

there is no prima facie case against the petitioner. The offence committed is heinous in nature. Hence, this is not a fit case to enlarge the petitioner on bail. Petition is dismissed. Sd/- (MOHAMMAD NAWAZ) JUDGE BN/GH/List No.: 1 SI No.: 28