

Kumar D @ Dio Kumar vs State by Karnataka

Kumar D @ Dio Kumar vs State by Karnataka

SooperKanoon Citation : sooperkanoon.com/1776420

Court : Karnataka

Decided On : Feb-01-2025

Judge : V Srishananda

Appeal No. : CRL.A/2145/2024

Appellant : Kumar D @ Dio Kumar

Respondent : State by Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE V SRISHANANDA CRIMINAL APPEAL NO. 2145 OF 2024 BETWEEN: KUMAR D @ DIO KUMAR S/O DUGGAPPA AGED ABOUT 21 YEARS R/AT NO. 42, 3RD CORSS PIPE LINE ROAD, BYADARAHALLI BENGALURU - 560 091. APPELLANT (BY SRI. DEENABANDHU RAI N.,ADVOCATE) AND:

1. STATE BY KARNATAKA K.P. AGRAHARA POLICE STATION BENGALURU Digitally NOW REP BY ITS STATE PUBLIC PROSECUTOR signed by BENGALURU - 560 001. MALATESH KC

Location: 2. SMT. YASHODHAHIGH

W/O LATE, GOV

KARNATAKA R/AT NO. 50/1, 5TH CROSS CHELUVAPPA GARDEN,
K.P. AGRAHARA BENGALURU -560 023. RESPONDENTS (BY
SRI.RAHUL RAI K., HCGP FOR R1;

VIDE ORDER DATED 10.01.2025; NOTICE TO R2 IS HELD

SUFFICIENT) -2- THIS CRL.A. IS FILED U/S.14(A) (2) OF SC/ST (POA)

ACT, 2015 PRAYING TO RELEASE THE APPELLANT ON BAIL IN
CR.NO.61/2023 NOW IN SPL.C.C.NO.1898/2023 FOR THE OFFENCE P/US/
302 R/W SEC.34 OF IPC AND SEC.3(2)(v) OF SC/ST (POA) AMENDMENT ACT
2015, ON THE FILE OF THE HONBLE LXX ADDL. CITY CIVIL AND SESSIONS
JUDGE AND SPECIAL JUDGE AT BENGALURU. THIS APPEAL, COMING ON
FOR ADMISSION, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE V SRISHANANDA

ORAL JUDGMENT

Heard Sri Deenabandhu Rai N., learned counsel for the appellant and learned
High Court Government Pleader for respondent No.1.

2. This appeal is filed under Section 14(A)(2) of the

Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989
(hereinafter referred to as 'the Act'). At the outset, Sri Rai would submit that all the
other accused persons have been granted bail by the Special Judge himself and
this Court and the present appellant alone is now in custody. -3-

3. He also points out that charge sheet is filed and therefore, continuation of the
appellant in judicial custody is no longer warranted.

4. Learned High Court Government Pleader did not

dispute the fact that all other accused persons have been granted bail and the present appellant had been denied bail. Material on record also depicts that the trial has commenced and material witnesses have not supported the case of the prosecution.

5. Taking note of these developments in the matter,

and also taking note of the fact that the offence under Section 302 of the IPC read with Section 3(2)(V) of the SC/ST (POA) Act, the bail is sought to be opposed by the learned High Court Government Pleader.

6. Having noted the progress in the case and also the

depositions of the prosecution witnesses, without expressing further opinion on the merits, this Court is of the opinion that continuance of the accused/appellant in judicial custody is no longer warranted. More so, having regard to the fact that other -4- accused persons have already been granted bail and there is no complaint of misuse of bail by the other accused persons.

7. Accordingly, the following order is passed:

(i) The appeal is allowed.

(ii) The appellant is directed to be enlarged on bail on executing a personal bond for a sum of Rs.1,00,000/- with two sureties for the like-sum to the satisfaction.

(iii) The appellant shall attend the Court regularly.

(iv) The appellant shall not tamper the remaining prosecution witnesses in any manner.

(v) The appellant shall not leave the jurisdiction of Bengaluru Urban District without prior permission.

(vi) Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail. Ordered accordingly. Sd/- (V SRISHANANDA) JUDGE SA