

Punith vs State by Karnataka

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Court : Karnataka Orders

Decided On : Jun-28-2024

Judge : Mohammad Nawaz

Appeal No. : CRL.P/4459/2024

Appellant : Punith

Respondent : State by Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JUNE, 2024 BEFORE THE HON'BLE
MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO.4459 OF
2024 BETWEEN:

1. PUNITH S/O. NAGARAJU AGED ABOUT 24 YEARS, R/AT. MANNE
VILLAGE, THYAMAGONDLU HOBLI, NELAMANGALA TALUK,
BANGALORE DISTRICT-560 102.

2. SHYLAJA D/O. KRISHNACHARI AGED ABOUT 22 YEARS, R/AT.
SAJJANARA BEEDHI, KORATAGERE TOWN, TUMAKURU DISTRICT-
572101. PETITIONERS (BY SRI. SHEKARAPPA, ADVOCATE)

AND: STATE BY KARNATAKA KORATAGERE POLICE STATION, TUMAKURU DISTRICT, Digitally signed by NOW REP. BY STATE PUBLIC PROSECUTOR, BHARATHI H M Location: HIGH HIGH COURT OF KARNATAKA AT BENGALURU, COURT OF KARNATAKA HIGH COURT COMPLEX, BANGALORE-560 001. DHARWAD BENCH RESPONDENT Date: 2024.07.03 12:22:01 +0530 (BY SRI. K.NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.439 CR.P.C., BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.40/2022 REGISTERED BY KORATAGERE POLICE STATION, TUMAKURU FOR THE OFFENCE P/U/S 302 AND 201 R/W SEC.34 OF IPC PENDING ON THE FILE OF IV ADDITIONAL DISTRICT AND SESSIONS JUDGE TUMAKURU, SITTING AT MADHUGIRI IN S.C.NO.5019/2022.

THIS CRIMINAL PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING: -2-

ORDER

This is a successive bail petition preferred by accused Nos.1 and 2 in Crime No.40/2022 of Koratagere Police station, registered for the offences punishable under Sections 302, 201 r/w Section 34 of IPC.

2. After filing of the charge sheet, case is committed to the Court of Sessions. Trial is pending in SC No.5019/2022 on the file of IV Addl. District and Sessions Judge, Tumkuru sitting at Madhugiri.

3. Petitioners/accused Nos.1 and 2 are alleged to have

committed the murder of mother of accused No.2 by name Sumitra, on the night intervening 30/31.01.2022 by smothering her and thereafter, misled the complainant and others, claiming that the deceased died accidentally.

4. CrI.P.No.2865/2023 preferred by the petitioners was

disposed of on 07.06.2023, permitting them to file a fresh petition before the Sessions Court after the examination of CW.1 who is none other than the sister of accused No.2 and daughter of the deceased. -3-

5. The learned Sessions Judge has once again

considered the prayer of the petitioners, after the evidence of CW-1(PW1) was recorded, vide order dated 17.02.2024. It is observed that after examination of PWs.1 to 3, the prosecutions case has been strengthened and there are no changed circumstances in favour of the petitioners.

6. Learned High Court Government Pleader has

contended that PW.1 is a material witness and she has supported the case of prosecution and as per postmortem report, the cause of death is on account of compression of neck by ligature. He contended that trial is in progress and therefore, at this stage, if the petitioners are released on bail, they may flee from justice.

7. The contention of the learned counsel for the

petitioners that the petitioners are innocent of the alleged offences and they are falsely implicated etc cannot be accepted, in view of the material on record. -4-

8. The petitioners are facing trial for a serious charge of murder and causing disappearance of the evidence. The trial is in progress.

9. Considering that the petitioners are in custody, the

trial Court shall make all endeavour to conclude the trial as expeditiously as possible. Petition is dismissed. Sd/- JUDGE HMB- Upto para 4 kmv -Para 5 to end
Ct:vh

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