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**Raju vs the State of Karnataka**

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**Court** : Karnataka Orders

**Decided On :** Jun-28-2024

**Judge** : Mohammad Nawaz

**Appeal No.** : CRL.P/4718/2024

**Appellant** : RAJU

**Respondent** : The State of 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. 4718 OF 2024 BETWEEN: RAJU S/O. SABANNA AGED ABOUT 33 YEARS, RESIDING NEAR GANESHA TEMPLE, UTTARI ROAD, KAGGALIPURA, KANAKPURA ROAD, BENGALURU-571417 PERMANENT RESIDENT OF No.3/20 WARKANAHALLI VILLAGE, YADAGIRI TALUK, YADAGIRI DISTRICT 585 202. PETITIONER (BY SRI. THULASIPATHI NAIDU P., ADVOCATE)

AND: Digitally signed by BHARATHI HM 1. THE STATE OF KARNATAKA Location: HIGH COURT OF KARNATAKA BY IMANGALA POLICE STATION, DHARWAD BENCH CHITRADURGA DISTRICT, Date: 2024.07.03 12:22:17 +0530 PIN CODE-577558

REP BY STATE PUBLIC PROSECUTOR, HIGH COURT BUILDING, BENGALURU-560001. RESPONDENT (BY SRI. K. NAGESHWARAPPA, HCGP) CRL.P FILED U/S 439 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE CR.NO.116/2023 REGISTERED IN IMANGALA POLICE STATION, CHITRADURGA DISTRICT, FOR THE OFFENCE P/U/S 302 OF IPC, PENDING ON THE FILE OF II ADDL. DIST. AND SESSIONS JUDGE AT CHITRADURGA. -2-

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT THROUGH VIDEO CONFEENCE AT DHARWAD BENCH MADE THE FOLLOWING:

## ORDER

Heard both sides and perused the material on record.

2. Imangala Police, Chitradurga, have filed charge-

sheet in their Police Station Crime No.116/2023 against accused Nos.1 to 3 for the offence punishable under Section 302 of the Indian Penal Code. The petitioner is arraigned as accused No.1.

3. This petition is filed under Section 439 of the Code of Criminal Procedure to enlarge the petitioner on bail.

4. Case of the prosecution is that, accused No.1

was having an illicit relationship with CW.2-wife of deceased Nagendra and there was also some financial dispute between them. On 21.07.2023, in the guise of discussing about the financial matter, accused No.1 along with accused Nos.2 and

3 took the deceased in a Maruti -3- car bearing registration No.KA-05-MA-5263 to Chennammanahalli village in Hiriyuru taluk and committed his murder by strangulating him with a thread.

5. In this case, accused Nos.2 and 3 were

enlarged on bail by this Court in Criminal Petition No.12463/2023 vide order dated 17.01.2024. The prayer for bail of the petitioner was rejected in Criminal Petition No.13944/2023 dated 23.01.2024.

6. The learned counsel for the petitioner submits

that the entire case is based on circumstantial evidence and there is no sufficient material collected during investigation, showing the involvement of the petitioner. He submitted that accused Nos.2 and 3 have been enlarged on bail and therefore, similar benefit may be extended to petitioner/accused No.1.

7. This Court has already rejected the prayer of

the petitioner for bail in Criminal Petition No.13944/2023. It is submitted by the learned counsel that subsequent to -4- filing of the charge-sheet and committal of case to the Court of Sessions, petitioner has not preferred any petition before the learned Sessions Judge seeking to enlarge him on bail. He submitted that the petitioner is languishing in custody since 06.09.2023

8. Considering the above facts and circumstances,

this Court is of the opinion that the petitioner may be permitted to file a fresh petition before the Sessions Court under Section 439 of Cr.P.C. If any such petition is filed, the learned Sessions Judge shall consider and dispose of the same in accordance with law, as expeditiously as possible.

9. With the above observation, petition is dismissed. Sd/- JUDGE kmv ct: vh

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