

Parameshwarappa Vs. State of Karnataka

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Court : Karnataka

Decided On : Nov-06-2000

Reported in : 2001CriLJ1819

Judge : G. Patri Basavana Goud, J.

Acts : Indian Penal Code (IPC) - Sections 34 and 302

Appeal No. : Criminal Petn. No. 2949 of 2000

Appellant : Parameshwarappa

Respondent : State of Karnataka

Advocate for Def. : Bhavani Singh, H.C.G.P.

Advocate for Pet/Ap. : A.R. Desai, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

G. Patri Basavana Goud, J.

1. The petitioner and two others are facing charge for the offence punishable Under Section 302 read with Section 34, IPC for the alleged commission of offence of murder by intentionally causing death of one Sekharaiah. Prosecution

alleges that the said Shekharaiah had illicit intimacy with the sister of one of the accused-Devappa, and, in that background, the said Devappa and his two associates including the present petitioner hit the said Shekharaiah with stones and bottles and also squeezed his testicles and caused his death. Though prosecution alleges that this was witnessed by CWs.9 and 10 -- Irayya and Thirthayya, complaint came to be lodged only the next day, and, it was only during inquest that the names of the said witnesses came to be mentioned as also the names of the accused.

2. Sri A.R. Desai, learned Counsel for the petitioner, submits that the other one of the accused concerned, Ramappa has since been granted bail by this Court in Criminal petition No. 2135 of 2000. I am of the opinion that for the reasons to be presently stated, petitioner should not be granted bail.

3. Prima facie, from the statements of two eye-witnesses CWs. 9 and 10 Irayya and Thirthayya, it is established that the petitioner and two others hit Shekharaiah with stones and bottles and caused his death. It is true that the said eye-witnesses have not immediately disclosed the same to others but the inquest proceedings would show that the very next day, even during the inquest, this fact was made known. It is true, serious exception needs to be taken, as submitted by Sri A.R. Desai, learned Counsel for the petitioner, for the copies of the entries in the case diary not being enclosed to the remand application, but, that by itself should not be a deciding factor when the statements of the said eye-witnesses prima facie make out that the petitioner and two others have intentionally caused the death of Shekharaiah. The manner in which Shekharaiah is done to death and the background in which the incident occurred and the fact that even two eye-witnesses were afraid of disclosing the same until the police came, would all in my opinion make it difficult to grant bail to the petitioner since the abovesaid circumstances, in my opinion, would indicate that the prosecution witnesses are likely to be intimidated by the petitioner, if he is released on bail.

4. Petition dismissed.