

Smt.Siddamma Vs. the State of Karnataka

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Court : Karnataka

Decided On : Nov-04-2010

Judge : N.Ananda J.

Appeal No. : CRIMINAL PETTTION NO. 5244/2010

Appellant : Smt.Siddamma

Respondent : The State of Karnataka

Advocate for Def. : Sri Vijayakumar Majage, HCGP

Advocate for Pet/Ap. : Sri R.S.Ravi, Adv.

Judgement :

ORDER

1. Petitioner No.1 is the mother of petitioner No.2, petitioner No.2 is the mother of petitioner No.3. The injured namely, Meena is the daughter-in-law of first petitioner. The husband of Meena i.e., the son of first petitioner had left his house and his whereabouts are not known. The injured was staying in the first floor of the house. The first petitioner was staying in the ground floor of the house. The husband of injured owns about 27 guntas of land. In relation to the house and land, there appears to be some dispute between petitioners and injured. It is alleged that on 29.7.2010 at about 6.00 p.m., there was quarrel between petitioners injured.

The petitioners are alleged to have pushed the injured from the first floor of the house as a result petitioner fell down from first floor and suffered injuries on bear C-6 vertebra. Even after complete treatment, she was not in a position to move. These facts are narrated in the statement given by injured. The petitioners having committed afforested acts, are arrayed as accused Nos.1 to 3 in Crime No.4/20.10 registered for offences punishable under Sections 325, 307 r/w. 34 of IPC. They-are seeking anticipatory bail.

2. I have heard learned Counsel for petitioners and learned Government Pleader for the State.

3. The learned Counsel for petitioner would submit that when injured was taken to Government hospital at Pandavapura, she has given the history of injuries due to accidental fall from the first floor of the house when she forcibly pulled the handle of the door of her house. First information was lodged after two days of the occurrence. Petitioners 2 and 3 are not residents of Lakshmisagara village and they have been falsely implicated.

4. The learned Government Pleader would submit that investigation is still at the threshold. There are eye witnesses to the occurrence- who had seen petitioners pushing injured from the first floor of her house. Therefore, petitioners are required for the purpose of investigation.

5. On consideration of the background of injured and strained relationship between first petitioners and injured, I find that all was not well with petitioners 1 and 2 and injured. At this stage of the case, there are no reasons to suspect the statement of injured, so also the statements of eye witnesses.

As regards petitioner No.3, she is aged about 17 years and she is a student. Petitioner No.3 appears to be juvenile offender.

6. Considering the facts and circumstances of case, custodial interrogation of petitioners 1 and 2 is rejected as it relates to petitioners 1 and 2 is rejected.

Petition as it relates to petitioner No.3 is accepted. She is granted anticipatory bail, subject to following conditions:

1) If petitioner No.3 is arrested in Crime No.4/2010 registered for offences punishable under Sections 325, 307 r/w. 34 of IPC by Melukote police, she shall be released on bail on her executing a bond for a sum of Rs.25,000/- offering a surety for the like sum.

2) Petitioner No.3 shall not intimidate or tamper with the prosecution witnesses.

3) Petitioner No.3, for the purpose of investigation, shall appear before the Investigating Officer, whenever called upon to do so.

4) This order would be operative for a period of three months from today within such time, petitioner No.3 shall seek regular bail before the jurisdictional Court, In such an event, the learned Judge of the jurisdictional Court shall consider bail application without being influenced by observations made in this order.

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