



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JANUARY, 2023

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 11294 OF 2022

BETWEEN:

RAVI @ KAMRAN RAVI
S/O HANUMANTHARAYA
AGED ABOUT 24 YEARS
R/AT NO.97, NEAR POOJAMMA
TEMPLE, KOGILU, YELAHANKA
BENGALURU - 64

...PETITIONER

(BY SRI: RAGHAVENDRA GOWDA .K., FOR
SRI: MOHANKUMARA D., ADVOCATE)

AND:

STATE OF KARNATAKA
BY BAGALURU POLICE STATION
REP BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU - 01

...RESPONDENT

(BY SRI: K. RAHUL RAI, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRL.MISC.NO.15129/2021 (C.C.NO.3468/2020) IN CR.NO.36/2020 OF BAGALURU P.S., BENGALURU CITY FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 302, 120B READ WITH SECTION 149 OF IPC ON THE FILE OF THE V ADDL. DISTRICT JUDGE, BENGALURU RURAL DISTRICT AT DEVANAHALLI.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT PASSED THE FOLLOWING:





ORDER

The petitioner-accused No.1 is before this Court seeking grant of bail under Section 439 of Cr.P.C. in Crime No.36 of 2020 of Bagalur Police Station, pending in CC No.3468 of 2020 on the file of the learned V Additional District Judge, Bengaluru Rural District at Devanahalli, registered for the offences punishable under Sections 302, 120-B read with Section 149 of the Indian Penal Code (for short 'IPC'), on the basis of the first information lodged by the informant K Dhanalakshmi.

2. Heard Sri K Raghavendra Gowda, learned Counsel for the petitioner and Sri K Rahul Rai, learned High Court Government Pleader for the respondent -State. Perused the materials on record.

3. Learned counsel for the petitioner submitted that the petitioner is arrayed as accused No.1. He is innocent and has not committed any offences as alleged. He has been falsely implicated in the matter without any basis. He was apprehended on 15.03.2020 and since then he is in judicial custody. The investigation has been completed and the charge sheet is also filed. The allegations against accused Nos.1 to 3



are similar with regard to the *overt act* said to have been committed by them. However, accused Nos.2 and 3 have already been enlarged on bail. Therefore, on the ground of parity, this petitioner is also entitled to be enlarged on bail. The petitioner is the permanent resident of the address mentioned in the cause title to the petition and is ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition.

4. *Per contra*, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioner for having committed the offences. The present petitioner is the main accused. The charge sheet is already filed which makes out a *prima facie* case against the petitioner for having committed the offences. Considering the nature and seriousness of the offences, the petitioner is not entitled for grant of bail. Hence, he prays for dismissal of the petition.

5. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:



"Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?"

My answer to the above point is in 'Affirmative' for the following:

REASONS

6. The allegations made against the petitioner and other accused are of serious nature. The charge sheet filed by the Investigating Officer makes out a *prima facie* case against all the accused including the petitioner. Admittedly, the *overt act* alleged against the present petitioner is similar to that of accused Nos.2 and 3. It is not in dispute that accused Nos.2 and 3 are already enlarged on bail. Under such circumstances, benefit of parity is to be extended to the present petitioner. Moreover, the investigation is completed and the charge sheet is also filed. Therefore, detention of the petitioner in custody would amount to infringement of his right to life and liberty. Hence, I am of the opinion that the petitioner is entitled to be enlarged on bail subject to conditions, which will take care of the apprehension expressed by the learned High Court



Government Pleader that the petitioner may abscond or may tamper or threaten the prosecution witnesses.

7. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The petition is ***allowed.***

The petitioner is ordered to be enlarged on bail in Crime No.36 of 2020 of Bagalur Police Station, pending in CC No.3468 of 2020 on the file of the learned V Additional District Judge, Bengaluru Rural District at Devanahalli, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a). The petitioner shall not commit similar offences.
- b). The petitioner shall not threaten or tamper with the prosecution witnesses.
- c). The petitioner shall appear before the Court as and when required.



If in case, the petitioner violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking cancellation of bail.

On furnishing the sureties by the petitioner, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the address and authenticity of the documents furnished by the petitioner and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction, may proceed to accept the sureties for the purpose of releasing the petitioner on bail.

**Sd/-
JUDGE**

*bgn/-