IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 07TH DAY OF NOVEMBER 2022

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION No.102858/2022

BETWEEN

SURESH S/O VIRUPAKSHAPPA DAMBAL,
AGE: 29 YEARS, OCC: AGRICULTURE,
R/O: GATTIRADDIHAL,
TQ. & DIST: KOPPAL-58323. **...PETITIONER**

(BY SRI. H.N.GULARADDI, ADVOCATE)

AND

THE STATE
THROUGH MUNDARAGI POLICE STATION,
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
DHARWAD BENCH AT DHARWAD. **...RESPONDENT**

(BY SRI. M.H.PATIL, AGA)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL BY ALLOWING THE PETITION IN S.C.NO.101/2019 OF MUNDARAGI P.S.CRIME NO.112/2019 FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 376(2) (J) (L), 363, 323 AND 506 OF I.P.C. PENDING ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE GADAG.

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

O R D E R

This is a successive bail petition filed by the petitioner to enlarge him on bail in Crime No.112/2019, registered by Mundaragi Police Station, pending on the file of Prl. District and Sessions Judge, at Gadag in S.C.No.101/2019.

02. Heard both sides and perused the material on record.

03. The petitioner is facing trial for the offences punishable under Sections 376 (2) (J) (L), 363, 323 and 504 of IPC.

04. Cri.P.No.100580/2022 filed by the petitioner was dismissed by this Court on 30.03.2022. While dismissing the said petition, liberty was granted to the petitioner to file a fresh petition before the Sessions Court, if the trial does not conclude within a period of six months from the date of the order.

05. The petitioner approached the Sessions Court for bail, but this petition was dismissed vide order dated 10.08.2022.

06. The learned counsel for petitioner has vehemently contended that the petitioner is innocent and he has been languishing in jail since 16.09.2019. He contends that the material witnesses examined before the Trial Court including the complainant and the victim have turned hostile and therefore, further detention of the petitioner would amount to pre-trial conviction. He submits that even after six months from the date of the order passed by this Court, the trial is not concluded. Therefore, he submits that by imposing any conditions the petitioner may be enlarged on bail.

07. The learned counsel appearing for the State contends that the petitioner has approached the Sessions Court within a period of six months from the date of the order rejecting his bail petition by this Court. He submits that the trial is at the fag end and therefore, at this stage,

if the petitioner is released on bail, he may flee from the justice in view of the nature of allegations made against him.

08. Learned counsel for the petitioner has annexed copies of the depositions of the complainant who is examined as PW.1 as well as the victim examined as PW.5. He has also made available copies of the depositions of other witnesses.

09. It is no doubt true that the above mentioned witnesses have been treated hostile by the prosecution. However, the victim girl was cross-examined by the prosecution and certain answers are elicited from her. Therefore, it is not appropriate for this Court to observe anything on the merits of the case.

10. It is not in dispute that the trial is at fag end. It is submitted by the learned counsel appearing for the State that only four witnesses are remaining to be examined. When the trial is at the fag end, it may not be

proper to enlarge the petitioner on bail. The learned Trial Judge is directed to conclude the trial as far as possible, within an outer limit of two months from the date of receipt of a copy of this order.

With the above observations the petition is dismissed.

SD/-
JUDGE

KJJ