IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 19TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.RACHAIAH

CRIMINAL PETITION NO. 101688 OF 2024

BETWEEN:

MANJUNATHA @ MANJYA
S/O GANGAPPA KONCHIKORAVAR
AGE: 22 YEARS, OCC: PETTY BUSINESS
R/O: GHANDINAGAR, 4TH CROSS
BYADGI, DIST: HAVERI

...PETITIONER

(BY SRI. L S SULLAD, ADVOCATE)

AND:

STATE OF KARNATAKA
THROUGH POLICE INSPECTOR
RANEBENNUR RURAL POLICE STATION
REPRESENTED BY HGP DHARWAD BENCH
DHARWAD

...RESPONDENT

(BY SMT. GIRIJA HIREMATH, HCGP)

Digitally signed by NARAYANA UMA
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C., SEEKING TO ENLARGE THE ABOVE SAID PETITIONER OR ACCUSED NO.5 ON BAIL IN RANEBENNUR RURAL POLICE STATION CRIME NO.73/2022, CC NO.1089/2022, ALLEGING U/S 120(B), 396, 457 R/W 149 OF IPC ON THE FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, RANEBENNUR.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 01.02.2025, COMING ON FOR PRONOUNCEMENT OF ORDER, THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: THE HON'BLE MR. JUSTICE S.RACHAIAH

CAV ORDER

(PER: THE HON'BLE MR. JUSTICE S.RACHAIAH)

1. Heard Shri L.S. Sullad, learned counsel for the petitioner and Smt. Girija Hiremath, learned High Court Government Pleader for the respondent - State.

2. The petitioner, who is arraigned as accused No.5 in Crime No.73/2022 of the respondent – Police, is before this Court seeking regular bail, for the offences punishable under Sections 120(B), 396, 457 r/w 149 of Indian Penal Code (for short "IPC") pending before the Principal Senior Civil Judge and JMFC, Ranebennur in C.C.No.1089/2022.

Brief facts of the case are as under:

3. It is the case of the prosecution that, a complaint came to be registered by Shridhar s/o. Rudrappa, who is the son-in-law of the deceased. According to him, he had constructed a goat farm in the land of the deceased. The deceased used to sleep in the said farm by taking care of the 50 goats which were being reared in the said farm. On 05.04.2022, as usual, his uncle went to the farm after having dinner. Around 1.00 clock early in the morning, he stated to have received a phone call

from his relative namely Anjanappa stating that he should take care of the goats as a leopard was wandering around his goat farm.

4. On 06.04.2022, around 6.30 a.m., he went to the farm and saw that the door was opened. He went inside the farm and found that his uncle was lying on the floor under the cot, his both hands were tied with a rope and his mouth was gauzed with the lungi. After being panicked on seeing the said incident, he raised an alarm and called the neighbours. After they came to the spot, they removed the cloth which was inserted into the mouth of the deceased and confirmed that he was dead. A complaint came to be registered in that regard. The jurisdictional police have registered a case against unknown persons. After conducting the investigation, submitted the charge sheet.

5. It is the submission of the learned counsel for the petitioner that, the petitioner is innocent of the alleged offences and he has been falsely implicated in this case. Therefore, he may be enlarged on bail by imposing suitable conditions.

6. He further submitted that the complaint was registered against unknown persons. The jurisdictional police have

secured some unknown persons and implicated them in the false case.

7. It is further submitted that though the complaint would discloses that the accused persons have stolen 35 goats, no goats have been seized at their instance. Merely because number of cases have been registered against the petitioner, may not be a ground to reject the bail as the other accused who were similarly placed in the charge sheet were granted bail by this Court.

8. It is further submitted that the petitioner is the earning member of the family and his parents are aged and unable to maintain themselves. The petitioner used to take care of his parents by doing coolie. However, he has been arrested in a false case though he has not committed any offence. Therefore, he may be enlarged on bail by imposing suitable conditions. Making such submissions, learned counsel for the petitioner prays to allow the petition.

9. *Per contra*, learned High Court Government Pleader (for short 'HCGP') for the respondent - State vehemently submitted that the petitioner is arraigned as accused No.5 in this case and he has involved in many cases of such nature. The petitioner is

a habitual offender. If he is released on bail, there may be chances of committing similar offences and moreover, the offence which he has committed is grave and heinous in nature. The dacoity which is associated with murder has to be viewed seriously and it is necessary to give a strong message to the Society that they are safe at the hands of police and Courts.

10. It is further submitted that filing the affidavit by the parents to take care of the petitioner henceforth, may not be the ground to grant bail. Therefore, his bail application has to be rejected. Making such submissions, the learned High Court Government Pleader prays to dismiss the petition.

11. Having considered the rival submissions made by the learned counsel for the respective parties and on perusal of the averments of the charge sheet, it would indicate that the accused No.5 stated to be one of the associates of the other accused. The entire case is based on the circumstantial evidence. The averments made in the charge sheet are based on the voluntary statement of the accused. The manner in which the incident had taken place would indicate that the petitioner had no intention to commit the murder of the deceased.

12. Though the charge sheet averments would indicate that the accused and others had committed theft of 35 goats from the farm, none of them are being recovered. Though there are several cases registered against the petitioner, the parents of the petitioner appeared before this Court and filed their affidavit stating that they would take care of the petitioner henceforth and also requested the Court to grant him bail by imposing suitable conditions on the pretext of reformative theory.

13. Having considered the averments of the charge sheet and also the request of the parents, it is appropriate to grant him bail by imposing suitable conditions which would take care of the apprehension of the prosecution.

14. Hence, I proceed to pass the following:

ORDER

i) The Criminal Petition is *allowed.*

ii) The petitioner / accused No.5 is ordered to be enlarged on bail in Crime No.73/2022 of the respondent – Police, pending on the file of the Principal Senior Civil Judge and JMFC, Ranebennur in C.C.No.1089/2022, on executing a personal

bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the likesum to the satisfaction of the Trial Court, subject to the following conditions:

a) The petitioner shall appear before the Trial Court on all dates of hearing without fail.

b) The petitioner shall not threaten nor tamper the prosecution witnesses and shall co-operate with the investigation.

c) The petitioner shall not commit any offences or similar offences of the nature till disposal of the case or in future.

In case, if the petitioner violates any of the bail conditions as stated above, the prosecution will be at liberty to seek for cancellation of bail.

Sd/-
(S.RACHAIAH)
JUDGE

Bss
List No.: 19 Sl No.: 2