IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.200571 OF 2025

(439(Cr.PC)/483(BNSS))

BETWEEN:

RAVI @ RAVINDRA S/O PRABHU JANE,
AGE: 27 YEARS, OCC: DRIVING WORK,
R/O MUNNAHALLI VILLAGE,
TQ: ALAND, DIST: KALABURAGI-585302.

...PETITIONER

(BY SRI SURESH CHANDRASHEKAR TENGLI AND
SRI PRASHANT MYAKERI, ADVOCATES)

AND:

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA,
THROUGH NARONA POLICE STATION,
TQ: ALAND, DIST: KALABURAGI,
(REPRESENTING BY
LEARNED ADDL. STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
AT KALABURAGI-585107.

...RESPONDENT

(BY SRI GOPALKRISHNA B. YADAV, HCGP)

THIS CRL.P. IS FILED U/S. 483 OF BNSS, 2023 PRAYING TO ALLOW THE PETITION AND THEREBY KINDLY RELEASE THE PETITIONER ON BAIL IN CRIME NO.78/2024 OF NARONA POLICE STATION, TQ. ALAND, DIST. KALABURAGI, PENDING ON THE FILE OF II ADDL. DIST. AND SESSIONS JUDGE,

KALABURAGI IN S.C.NO.233/2024 FOR THE OFFENCES PUNISHABLE U/SEC. 143, 147, 148, 323, 324, 504, 506, 302, 120(B)(1) R/W SEC. 149 OF INDIAN PENAL CODE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

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

This petition is filed by the accused No.1/petitioner seeking to release him on bail in S.C.No.233/2024, pending on the file of the II Additional District and Sessions Judge, Kalaburagi arising out of Crime No.78/2024 registered by the Narona Police Station for the offences punishable under Sections 143, 147, 148, 323, 324, 504, 506, 302, 120(B)(1) read with Section 149 of IPC.

2. Factual matrix of the case are as under:

The complainant namely, Smt. Nurjabi lodged a complaint stating that accused No.1, who is the petitioner herein and other have assaulted her husband and killed

him. Based on the complaint, a case came to be registered by the respondent/police and after conducting the investigation, submitted the charge sheet.

3. Heard Sri Suresh Chandrashekar Tengli and Sri Prashant Myakeri, learned counsel for the petitioner and Sri Gopalkrishna B. Yadav, learned High Court Government Pleader for the respondent/State.

4. It is the submission of the learned counsel for the petitioner that the petitioner had no intention to commit murder of the deceased. Though, all the accused stated to have assaulted on the stomach, no specific over-act attributed against each accused. Even the medical certificate/post mortem report did not say on whose assault, the liver has been damaged. This Court vide order dated 07.03.2025 has granted bail to the accused No.2. Therefore, the petitioner may be enlarged on bail by extending the benefit of parity. Making such submissions, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader submitted that the petitioner being accused No.1 had assaulted on the stomach of the deceased by throwing boulder stone. The post mortem report would indicate that the death has been caused due to damage to the liver. Hence, he is not entitled for bail.

6. Having heard the learned counsel for the respective parties and also perused the averments of the charge sheet, it appears from the record that all the accused stated to have assaulted on the stomach of the deceased with different weapons. Though the petitioner stated to have assaulted the deceased on his stomach with boulder stone, the fact remains that, there is ambiguity in the post mortem report. Therefore, it is appropriate to grant him bail by imposing suitable conditions.

7. Accordingly, I proceed to pass the following: conditions of l

ORDER

(i) The criminal petition is ***allowed***.

(ii) The petitioner/accused No.1 is enlarged on bail in S.C.No.233/2024, pending on the file of the II Additional District and Sessions Judge, Kalaburagi arising out of Crime No.78/2024 registered by the Narona Police Station for the offences punishable under Sections 143, 147, 148, 323, 324, 504, 506, 302, 120(B)(1) read with Section 149 of IPC, by executing personal bond for a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court on the following conditions:

a. The petitioner shall not threaten or tamper the prosecution witnesses.

b. The petitioner shall appear before the Trial Court on all hearing dates without fail.

Sd/-
(S RACHAIAH)
JUDGE

RSP
List No.: 1 Sl No.: 35
CT:PK