

Karnataka High Court
Sujit S/O Subhas Patoli vs The State Of Karnataka on 2 May, 2023
Bench: Anil B Katti

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CRL.P No. 100849 of 2023

IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH

DATED THIS THE 02ND DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE ANIL B KATTI

CRIMINAL PETITION NO. 100849 OF 2023 (438-)

BETWEEN:

SRI. SUJIT S/O SUBHAS PATOLI
AGE. 22 YEARS, OCC. AGRICULTURE,
R/O. SAVALAGI, TAL. JAMAKHANDI,
DIST. BAGALKOTE - 587330.

...PETITIONER

(BY SHRI. SHRINAND A. PACHHAPURE, AND
SHRI. RAJENDRA R. PATIL, ADVS.)

AND:

Digitally signed by
BHARATHI H M
Location: high
court karnataka
Dharwad bench

THE STATE OF KARNATAKA
THROUGH SAVALAGI POLICE STATION,
NOW REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA DHARWAD,
BENCH AT DHARWAD - 580011.

...RESPONDENT

(BY SRI. PRAVEEN UPPAR, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC.438 OF
CR.P.C. SEEKING TO GRANT ANTICIPATORY BAIL TO THE
PETITIONER/ACCUSED NO.3 IN THE EVENT OF HIS ARREST IN
CRIME NO.32/2023 REGISTERED FOR THE OFFENCES
PUNISHABLE UNDER SECTION 143, 147, 148, 323, 324, 307
AND 504 R/W SECTION 149 OF IPC AND SECTION 25 OF ARMS
ACT BY THE RESPONDENT SAVALAGI POLICE STATION,
PENDING ON THE FILE OF COURT OF PRL. CIVIL JUDGE
(SR.DN) CJM, JAMAKHANDI.

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

ORDER

Petitioner-accused No.3 filed petition under Section 438 of Code of Criminal Procedure (for short 'Cr.P.C) seeking anticipatory bail.

2. On the strength of the complaint filed by one Shridhar Basappa Kasar criminal law was set into motion by registering the case in Savalgi PS crime No.32/2023 for the offence punishable under Section 143, 147, 148, 323, 324, 307, 504 read with Section 149 of Indian Penal Code and Section 25 of the Arms Act, 1959.

3. The factual matrix leading to the case of prosecution can be stated in nutshell to the effect that on 26.03.2023 at about 9:00 p.m, in Todalbagi village, the petitioner along with other accused formed themselves into unlawful assembly and went to the land of complainant. They picked up quarrel with complainant in respect of supply of dry grapes and payment of money. It is further alleged that accused have assaulted with clubs, stones, iron rod and caused bleeding injuries to complainant and the other witnesses who CRL.P No. 100849 of 2023 came to pacify the quarrel. Accused No.2 through gun fired in the air and threatened the complainant with life. On these allegations made in the complaint, the case is registered against petitioner and other accused named in the FIR.

4. Learned HCGP has orally objected for grant of bail on the premise that there are sufficient material evidence against accused for having actively participated in commission of the offence.

5. Heard the arguments of both sides.

6. On perusal of the complaint allegations it would go to show that accused No.2 and complainant started business of selling dry grapes and agreed to share the profit equally. It appears that there is dispute between the complainant and accused No.2 over sharing of profit of the said business. On 26.03.2023 at about 9:00 p.m, accused Nos.1 to 3 along with other three unknown persons came to the land of complainant and demanded to give profit amount due to accused No.2. Accused No.2 switched off the dry grapes manufacturing machine and by taking gun in his possession fired in the air and remaining persons gave life threat to complainant. Accused CRL.P No. 100849 of 2023 No.3 assaulted complainant by means of stick over his head and caused injury, further other accused have also assaulted on complainant with iron rod. When the son of complainant Shri Shreepad Shreedhar Kasar and villagers Prakash S/o Rukmavva Basaragi, Laxmipati Shivalingappa Kasar came to rescue the complainant, accused persons assaulted them with hands and pulled him to the ground, so also kicked on him, further they abused the complainant and son of complainant in filthy language.

7. Learned HCGP has produced relevant records. The wound certificate of complainant Shridhar Basappa Kasar would go to show that he has suffered lacerated and contusion wounds. The son of

complainant Shreepad Shridhar Kasar also suffered contusion injury. On examination of Laxmipati Shivalingappa Kasar and Prakash Rukmavva Basaragi, no any clinical injuries were found. The injured complainant and his son Shreepad Shridhar Kasar have already been discharged from the hospital. Therefore, it is evident that there is no any danger to their life. Whether petitioner/accused No.3 assaulted the complainant by means of club over his head with an intention to commit his murder is a matter of trial. The CRL.P No. 100849 of 2023 petitioner/accused No.3 is the permanent resident of address given in the cause title is not in serious dispute. The apprehension of learned HCGP can be met by imposing appropriate conditions. Consequently, proceed to pass the following:

ORDER The criminal petition filed by petitioner/accused No.3 under Section 438 of Cr.P.C is hereby allowed.

The impugned order dated 13.04.2023 passed by learned I Additional District and Sessions Judge, Bagalkot, sitting at Jamakhandi, in Crl.Misc.No.5086/2023 is hereby set-aside.

Petitioner-accused No.3 is ordered to be released on bail in the event of his arrest in connection with Crime No.32/2023 of Savalgi police station, subject to following conditions:

i) Petitioner is ordered to be released on bail on executing personal bond for a sum of Rs.1,00,000/- with one surety for likesum amount to the satisfaction of the investigating officer.

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ii) The petitioner shall not leave the jurisdiction of trial Court without its prior permission.

iii) The petitioner shall not tamper with the prosecution witnesses in any manner.

iv) The petitioner shall produce address proof of document of himself and that of his surety.

v) The petitioner shall co-operate with the investigating officer as and when called for the purpose of investigation and appear before the trial Court.

(Sd/-) JUDGE AM