

Karnataka High Court

Darshan @ Darshu vs State Of Karnataka on 26 May, 2023

Bench: K.Natarajan

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CRL.P No. 2674 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MAY, 2023

BEFORE

THE HON'BLE MR JUSTICE K.NATARAJAN
CRIMINAL PETITION NO. 2674 OF 2023

BETWEEN:

DARSHAN @ DARSHU
S/O SHIVALINGAIAH,
AGED ABOUT 22 YEARS,
RESIDING AT NO.189/46,
1ST MAIN, 4TH CROSS,
TR SHAMANNANAGAR,
SHRINAGAR,
BENGALURU-560050.

...PETITIONER

(BY SRI. PRASANNA KUMAR P.,ADVOCATE)

AND:

Digitally signed by
GAYATHRI N
Location: High Court
of Karnataka

STATE OF KARNATAKA
BY CHANNAMANAKERE ACHUKATTU POLICE
STATION, VV PURAM SUB-DIVISION,
BENGALURU
REPRESENTED BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DR. BR AMBEDKAR VEEDHI,
BENGALURU-560001.

...RESPONDENT

(BY SRI. B.J. ROHITH, HCGP)

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THIS CRL.P IS FILED U/S 439 CR.PC PRAYING TO
ENLARGE THE PETITIONER ON BAIL IN CR.NO.200/2019
REGISTERED BY CHANNAMMANAKERE ACHUKATTU POLICE
STATION, BENGALURU CITY FOR THE OFFENCE P/U/S 302 R/W

SECTION 34 OF IPC, 1860, PENDING ON THE FILE OF LXII
ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY,
(CCH-63).

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

ORDER

This petition is filed by the petitioner-accused No.1 under Section 439 of Cr.P.C. for grant of regular bail in Crime No.200/2019 registered by Channammanakere Achu Kattu Police and charge sheeted for the offence punishable under Section 302 read with Section 34 of IPC, now pending in Spl.CC.940/2021 on the file of LXII Addl. City Civil and Sessions Judge, Bengaluru City (CCH-63).

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent-State.

3. The case of the prosecution is that one Mr.Ravi, has filed a complaint with the police on 11.09.2019 CRL.P No. 2674 of 2023 alleging he is running the military hotel and on the said date three persons came to his hotel and had dinner including the deceased Venkatesh. Thereafter, accused persons left the hotel and were standing in front of the hotel and picked up quarrel with the Beeda shop owner regarding the purchase of Cigarette. When the complainant as well as the deceased went near the Beeda shop and interfered to stop the quarrel, at that time, the accused persons started to abuse them in filthy language and one of the accused persons showed the knife from his pocket, the same was questioned by the deceased. Thereafter, the accused persons tried to stab the deceased and the deceased started to escape from that place, but the accused went on chasing the deceased to the extent of Sri.Balaji Traders shop, Ittamadu Main Road, Banashankari 3rd Stage and they committed murder. This petitioner said to have stabbed the deceased with knife which led to his death.

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4. After registering the case, the police arrested the petitioner on 12.09.2019 and he was remanded to judicial custody. The bail petition filed by this petitioner in CrI.P.No.1624/2021 is rejected by this Court vide order dated 08.12.2021 and the petitioner is once again before this Court by filing a successive bail petition on additional grounds.

5. Learned counsel for the petitioner submits that the petitioner is in custody for more than 3 years 6 months and the investigation is completed longback and the charge sheet is also filed. He also submits that the co- accused person was already granted bail. The petitioner is suffering from varicose veins and if he is not provided treatment, it will lead to impotency and loss of life. Therefore, he prays for release of petitioner on bail.

6. Per contra, learned High Court Government Pleader for the respondent objected the petition CRL.P No. 2674 of 2023 contending that this petitioner is the person, who caused the death by

stabbing the deceased.

7. Having heard the arguments of the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent and perusal of the records, of course the allegation is against this petitioner that he stabbed the deceased with knife and caused his death. There are seven (07) eye-witnesses to the incident including the complainant. The petitioner was arrested on 12.09.2019. Though it is contended that there is no test identification parade conducted but the police investigated the matter, there are eye-witnesses to the incident apart from the complainant. The petitioner is in custody for more than 3 years 6 months. The co-accused i.e., accused No.2, was already released on bail. The petitioner is said to be suffering from varicose veins disease and requires proper treatment. Considering the same, without expressing any opinion on merits of the case, though there are eye-witnesses to the incident and specific allegation CRL.P No. 2674 of 2023 against this petitioner that he stabbed the deceased, but looking to the medical condition of the petitioner and he is in custody for more than 3 years 6 months, if the petitioner is released on bail by imposing reasonable conditions, no prejudice would be caused to the prosecution case. Accordingly, I pass the following:

ORDER The criminal petition is allowed.

The committal Court/trial Court is directed to release the petitioner/accused No.1 on bail in Crime No.200/2019 registered by Channammanakere Achu Kattu Police and charge sheeted for the offence punishable under Section 302 read with Section 34 of IPC, now pending in Spl.CC.940/2021 on the file of LXII Addl. City Civil and Sessions Judge, Bengaluru City (CCH-63), subject to the following conditions:-

i) Petitioner shall execute a personal bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for likesum to the satisfaction of the jurisdictional Court;

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ii) Petitioner shall not tamper with the prosecution witnesses directly or indirectly;

iii) Petitioner shall not indulge himself in similar offences strictly;

iv) Petitioner shall take the trial without causing any delay; and

v) Petitioner shall not leave the jurisdiction of the trial Court without prior permission.

If any of the conditions are violated, the prosecution is at liberty to file an application for cancellation of bail.

Sd/-

JUDGE BSR