IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 5^{TH} DAY OF NOVEMBER 2018 BEFORE

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

CRIMINAL PETITION NO.7850 OF 2018

BETWEEN:

RAJU S/O MAHESH AGED ABOUT 23 YEARS R/AT MARUTHI PROVISION STORE SHANTHIVANA SAHAKARANAGARA BANGALORE – 560 092

...PETITIONER

(BY SRI K.LAKSHMI KANTH, ADV.)

<u>AND</u>

STATE OF KARNATAKA
BY KODIGEHALLI POLICE STATION
REP BY ITS PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE - 560 001

...RESPONDENT

(BY SMT. NAMITHA MAHESH B.G., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.200/2018 OF KODIGEHALLI P.S., BANGALORE FOR THE OFFENCE P/U/S 307 R/W 149 OF IPC.

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

ORDER

Petitioner is accused No.4 in Crime No.200/2018 of Kodigehalli Police Station, Bengaluru City.

- 2. Initially the said case was registered against one Shiva, Raju and other four unnamed accused for the offence punishable under Section 307 read with Section 149 of IPC, on the basis of complaint of one Prashanth.
- 3. It is alleged that on 21.9.2018 at 01:15 hours near Chandru Bakery, quarrel took place between the complainant party and the inmates of car No.KA-01/AD-8993 and the members of the complainant party bet the inmates of the aforesaid car. It is further alleged that being enraged by that, after ten minutes when complainant and his friends were walking near Shabari Bakery of Amco Layout, the accused accosted them in the car and assaulted the complainant with chopper and attempted to commit his murder.

- 4. In the complaint, the complainant has named one Shiva and Raju. The allegations in the complaint are general one and the complaint does not name the person, who assaulted the complainant with the chopper. As per the CD records, the eye witnesses state that the assault with chopper was by the first accused Shiva @ Poison Shiva. The victim is discharged from the Hospital on 25.9.2018 itself and his condition is stable. As per the discharge summary, the victim had suffered lacerations on the scalp. Even as per the complaint, it was the complainant party, who first assaulted the accused party.
- 5. The petitioner is in judicial custody since 24.9.2018. Under these circumstances, it is a fit case to grant bail with suitable conditions. Therefore, the petition is **allowed**.

Petitioner is granted bail in crime No.200/2018 of Kodigehalli Police Station, Bengaluru City. He shall be released on bail subject to the following conditions:

- 1) The petitioner shall execute personal bond in a sum of Rs.50,000/- and furnish one surety in the like-sum to the satisfaction of the Investigating Officer/Court for his appearance;
- 2) He shall appear before the Investigating Officer as and when required for the purpose of enquiry /trial;
- 3) He shall mark his attendance before the Investigating Officer on every Sunday till the completion of the investigation and
- 4) He shall not tamper the prosecution witnesses by threats, inducement or otherwise.

Sd/-JUDGE

KNM/-