

Sri Kirthiraj @ Kirthi vs State Of Karnataka on 4 March, 2014

Author: R.B Budihal

Bench: R.B Budihal.

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IN THE HIGH COURT OF KARNATAKA AT
BANGALORE

DATED THIS THE 04TH DAY OF MARCH 2014

BEFORE

THE HON'BLE MR. JUSTICE BUDIHAI. R.B

CRIMINAL PETITION NO.1086/2014

BETWEEN:

Sri. Kirthiraj @ Kirthi,
S/o. Siddaiah,
Aged about 23 years,
R/o. 3rd Cross, 4th Main Road,
Kamalanagar,
Bangalore-560 011.

.. PETITIONER

(By Sri. A.C. Balaraj, Adv.)

AND:

State of Karnataka,
Rep. by its Station House Officer,
Basaveshwaranagar Police Station,
Bangalore-560 079.

.. RESPONDENT

(By Sri. K. Nageshwarappa, HCGP)

This Criminal Petition is filed under Section 439 of the Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.487/2013 of Basaveshwaranagar P.S., Bangalore, for the offence P/U/S 399 and 402 of IPC.

This Criminal Petition coming on for orders this day, the Court made the following:

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ORDER

This petition is filed by petitioner-accused No.3 under Section 439 of Cr.P.C. seeking his release on bail of the offences punishable under Sections 399 and 402 of IPC registered in respondent-police station Crime No.487/2013.

2. Heard the arguments of the learned counsel for the petitioner-accused No.3 and also the learned Government Pleader for the respondent-State.

3. Learned counsel for the petitioner during the course of his arguments has submitted that accused No.2 has been already granted bail by this Court and on the ground of parity, present petitioner is also entitled to be granted with bail. Now the investigation of the case is completed and charge sheet has been filed and the offences alleged also is not exclusively punishable with death or imprisonment for life.

4. As against this, learned Government Pleader during the course of his arguments has submitted that there are recoveries effected by the Investigating Officer from the possession of the present petitioner and one more case for the offence of robbery has also been registered against him. Therefore, the petitioner is not entitled to be granted with bail.

5. I have perused the averments made in the bail petition, FIR, complaint, order passed by the lower Court on the bail application and other materials placed on record.

6. It is no doubt true as submitted by the learned counsel for the petitioner-accused No.3 that now the investigation is completed and charge sheet has been filed. But perusing the order passed by the lower Court it is seen that there is one more case registered in Jnanabharathi police station for the offence of robbery in Crime No.124/2013. As per the materials collected in this case, there is a recovery of weapon and a rope from the possession of petitioner-accused No.3. Therefore, looking to the materials on record, it goes to show that the present petitioner is having criminal background and he is involved in the similar type of offences. Therefore, there is every force in the contention of the learned Government Pleader and if released on bail, he may involve in the commission of similar offences in future also.

7. Looking to the materials on record and also in view of the fact that another case is registered against the petitioner for the offence of robbery, I am of the opinion that petitioner is not entitled to be granted with bail.

Accordingly, petition is rejected.

Sd/-

JUDGE bkp