

Sri. Santosh S/O. Nandu Bosle vs State Of Karnataka on 24 May, 2022

Author: K. Natarajan

Bench: K. Natarajan

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 24th DAY OF MAY 2022

BEFORE

THE HON'BLE MR.JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.100706/2022

BETWEEN:

1. SRI. SANTOSH S/O. NANDU BOSLE
AGE 21 YEARS,
OCC KOLI
R/O TONDALI
TQ PAITHAN
DIST AURANGABAD, MAHARASTRA-431105

...PETITIONER

(BY SRI.NEELENDRA.D.GUNDE & SRI. HANUMESH DESAI ADVS.)

AND

- 1 . STATE OF KARNATAKA
KALADAGI POLICE STATION,
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING,
DHARWAD.

...RESPONDENT

(BY SMT. GIRIJA S HIREMATH, HCGP FOR RESPONDENT)

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C., SEEKING
TO RELEASE PETITIONERS/ACCUSED NO.2 ON BAIL IN ON THE FILE OF
2ND ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, BAGALKOT,

REGISTERED FOR THE OFFENCE PUNISHABLE U/S 397, 120B, 212, 412
AND 34 OF IPC OF KALADAGI POLICE STATION IN CRIME NO.50/2021.

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

ORDER

This criminal petition is filed by the petitioner-accused No.2 under section 439 of Cr.P.C. for granting bail in Crime No.50/2021 registered by Kaladagi police Station district Bagalkot and charge sheeted for the offences punishable under Sections 397, 120B, 212, 412 and 34 of IPC.

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

3. The case of the prosecution is that, one Devidas Gananath Chikkaramane filed a complaint 04.04.2021 alleging that on 03.08.2021, when himself and his wife were sleeping in his house, at about 1:30 am on 4/8/2021, accused Nos.1 to 3 came into the house by breaking open the door and robbed the golden ornaments worth `3,56,000/- by assaulting them and also robbed cash of `10,000/- and went away. After registering the case, the police arrested these petitioners and others on 02.11.2021 and they were remanded to the judicial custody. Their bail petition came to be rejected by the District Court. Hence, they are before this Court.

4. Learned counsel for the petitioner has contended that the petitioner is innocent of the alleged offences and he has been falsely implicated in the case only on the basis of the voluntary statement of accused Nos.1. He further contended that there is no recovery of cash or golden ornaments from the petitioner. Investigation is already completed and the charge-sheet is filed and he is ready to abide by any conditions. Hence, he prays for granting bail.

5. Per contra, learned High Court Government Pleader for the respondent-State vehemently opposed the bail petition and contended that the petitioner is a habitual offender and he is involved in dacoity as well as in murder cases, in various police Stations at Maharashtra State also and if he is released on bail, he may abscond from the case. Hence, prayed for dismissal of the petition.

6. Having heard the learned counsel for the parties, perused the records.

7. On perusal of the records, it reveals that, when the complainant and his wife were sleeping in their house, in the mid night on 03.08.2021 at about 1.30 am on 4/8/2021, three persons broken the door of the complainant's house and came inside the house and by assaulting them, robbed all the golden ornaments and cash of `10,000/- from the complainant and went away. Admittedly the bail petition was rejected by the learned District Judge against other accused for committing robbery and for causing hurt. Accused No.1 was arrested by the police. The police recovered golden ornaments and cash at the instance of the accused No.1. This petitioner was also implicated based upon the

voluntary statement of the accused No.1. There is no recovery at the instance of the petitioner but the complainant during the further statement identified this petitioner and also the accused Nos. 1 and 3 came into the house and committed robbery which attracts offence under Sections 397 and 120(b) of IPC. The memo filed by the Government Pleader reveals that two criminal cases are registered against the petitioner. Apart from that petitioner is from Maharashtra State and as per the information furnished by the Learned High Court Government Pleader, the present petitioner along with co- accused have involved in dacoity as well as in murder cases in Maharashtra. All the cases are pertaining to theft, robbery, burglary and dacoity cases which reveal that petitioner is a habitual offender and committing dacoity and murder. If he is released on bail there are chances of committing similar offences and absconding from the case is not ruled out. Hence, the petitioner is not entitled for grant of bail.

Accordingly, the criminal petition is dismissed.

Sd/-

JUDGE Vb/-