

Laxman Alias Lachuma S/O Venkataramana ... vs The State Of Karnataka on 22 April, 2024

Author: Shivashankar Amarannavar

Bench: Shivashankar Amarannavar

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NC: 2024:KHC-D:6653
CRL.P No. 101034 of 2024

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 22ND DAY OF APRIL 2024
BEFORE
THE HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR
CRIMINAL PETITION NO.101034 OF 2024

BETWEEN:

LAXMAN @ LACHUMA
S/O VENKATARAMANA GOLLAR @ MODIKYAR,
AGE. 28 YEARS, OCC. HAIRPIN BUSINESS,
R/O. GUDUR, HUNGUND TALUQ,
BAGALKOT DISTRICT, PIN CODE-587101.

... PETITIONER

(BY SRI. L.S. SULLAD, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH POLICE INSPECTOR,
RURAL POLICE STATION, RANEBENNUR,
R/BY HGP HIGH COURT OF KARNATAKA,
DHARWAD BENCH.

... RESPONDENT

(BY SRI. JAIRAM SIDDI, HCGP)

Digitally signed by
VIJAYALAKSHMI
M KANKUPPI
Location: HIGH

COURT OF
KARNATAKA
DHARWAD
BENCH

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C.,

SEEKING TO RELEASE THE PETITIONER/ACCUSED NO.4 ON
REGULAR BAIL IN RANEBENNUR RURAL POLICE STATION
CR.NO.92/2022 CC NO.1090/2022 ALLEGING U/S 120(B), 399, 402

R/W 149 OF IPC, ON THE FILE OF PRL.CIVIL JUDGE (SR.DIV) AND JMFC COURT, RANEBENNUR, DIST. HAVERI, IN THE INTEREST OF JUSTICE AND EQUITY.

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

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NC: 2024:KHC-D:6653

CRL.P No. 101034 of 2024

ORDER

This petition is filed by accused No.4 under Section 439 of the Code of Criminal Procedure seeking bail in Crime No.92/2022 of Ranebennur Police Station registered for the offences punishable under Sections 399, 402 and 120B read with Section 149 of the Indian Penal Code pending in CC No.1090/2022 on the file of the learned Principal Senior Civil Judge and JMFC, Ranebennur.

2. The case of the prosecution is that, on 29.08.2022, the petitioner/accused No.4 and other accused were near Devaragudda road with a vehicle and on seeing the Police on patrolling duty, the accused fled away from the spot and the police only caught hold two persons i.e. accused Nos.1 and 2 and in the said vehicle bearing registration No.KA.37/A 8440, 3 iron rods, 3 cutting plyers, 3 ropes, chilli power contained in one plastic cover, 1 knife, empty bottles and wooden pieces were found and the Police seized them and arrested accused Nos.1 and 2. The allegations against this petitioner and other accused is that they gathered there to commit robbery. After investigation, NC: 2024:KHC-D:6653 charge- sheet has been filed. The petitioner came to be arrested on 28.02.2024. The petitioner filed bail application and the same came to be rejected by the Sessions Court. Therefore, the petitioner is before this Court seeking bail.

3. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent/State.

4. Learned counsel for the petitioner would contend that accused Nos.1 and 2, who were arrested on the spot, have been granted bail by the Sessions Court in Criminal Miscellaneous No.306/2022 dated 07.06.2022 and the petitioner has been similarly placed to that of accused Nos.1 and 2 and therefore, the petitioner is also entitled for grant of bail on the ground of parity.

5. Per contra, learned High Court Government Pleader would contend that there are 5 cases registered against this petitioner for the offence of theft, robbery etc, and if the petitioner is granted bail, there are chances of he NC: 2024:KHC-D:6653 committing similar offences. With this, he prayed to reject the petition.

6. Having heard the learned counsels, the Court has perused the material placed on record.

7. The offences alleged against the petitioner are under Sections 399, 402 and 120B read with Section 149 of IPC. The accusation against the petitioner and other accused in the charge-sheet is that they had gathered at the spot with deadly weapons in the vehicle and were planning to commit robbery. Accused Nos.1 and 2, who have been arrested on the spot, have been granted bail by the Sessions Court. Merely because 5 cases are registered against the petitioner is not a ground for rejecting the prayer for grant of bail. Therefore, the petitioner is entitled for grant of bail on the ground of parity. The petitioner has undertaken to appear before the trial court.

8. In view of the above, the following order:

The petition is allowed. The petitioner/accused No.4 is granted bail in Crime No.92/2022 of Ranebennur Police NC: 2024:KHC-D:6653 Station pending in CC No.1090/2022 on the file of the learned Principal Senior Civil Judge and JMFC, Ranebennur subject to the following conditions:

(i) The petitioner/accused No.4 shall execute a personal bond for a sum of Rs.1,00,000/-

(Rupees one lakh only) with one surety for the likesum to the satisfaction of the jurisdictional Court;

(ii) The petitioner/accused No.4 shall not tamper the prosecution witnesses;

(iii) The petitioner/accused No.4 shall not involve in commission of similar offences; and

(iv) The petitioner/accused No.4 shall attend the Court on all the dates of hearing unless exempted and co-operate in speedy disposal of the case.

Sd/-

JUDGE kmv ct:bck