

**IN THE COURT OF THE II ADDL.DISTRICT AND SESSIONS
JUDGE AT CHIKKAMAGALURU**

**Present: Sri. Manjunath Sangreshi, B.A.LL.B.[HONS.]
II Addl. District & Sessions Judge,
Chikkamagaluru.**

Dated this the 07th day of March 2020

S.C.No.25/2014

Complainant : State by Birur Police
(Represented by the public Prosecutor,
Chikkamagaluru).

-V/s-

Accused: 4. V. Chandrappa @ Chandru,
S/o. Venkateshappa,
aged about 28 years,
Store incharger in more
shopping complex ,
R/o. J.P. Nagar, 8th Phase,
Kothanur Dinne, Near Ganesh Temple,
Babureddy Vatara, Bangalore,
Native: Yalesandra, Dankanikote Taluk,
Krishnagiri District, Tamilnadu.
(Represented by K.H. Mallikarjuna
Advocate)

ORDER

This is the petition under section 439 of Cr.P.C. filed by the
Accused No.4 - V. Chandrappa @ Chandru, seeking the benefit of
regular bail in connection with crime No.132/2013 [S.C.25/2014] of
Birur Police Station registered against him and others for the offence
punishable under sections 302, 201 and 120-B r/w 34 of IPC.

2. The brief facts of the prosecution case, as per charge sheet materials are that on 14.10.2013 at about 9.30 p.m., accused No.2 to 4 at the instigation of the Accused No.1 took the deceased puttappa towards Birur in Toyato Qualis vehicle bearing No.KA-05/AD 1112, when deceased Puttappa got down from the vehicle in a drunken condition on Balliganuru – Haladahalli Road near Coconut Garden of one Mallappa, at that time accused No.2 took back the vehicle to a distance and accused No.3 and 4 hold the both hands of Puttappa by their hands on either side and thereafter Accused No.2 drove the vehicle in an excessive speed towards deceased Puttappa and when the vehicle came near the deceased Puttappa, the accused No.3 and 4 left the hands of Puttappa and immediately Accused No.2 dashed his vehicle against Puttappa and caused him severe head and bodily injuries and thereby murdered him. On the basis of complaint lodged by the wife of deceased Puttappa the Police took up the investigation. Thereafter, the police have filed charge sheet against accused persons and this accused and along with other accused have been granted bail during the crime stage. After committal of the case to this court, this accused used to appear before the court regularly, but subsequently he remained absent before this court and accordingly, this court has issued NBW against this accused. In

pursuance of NBW the complainant police have arrested this accused and this accused has been remanded to J.C. Since, the time of his arrest he is in Judicial Custody. Hence, this petition.

3. The counsel for the accused contended that the accused No.4 has been enlarged on bail after the prosecution evidence completed and heard the arguments on both sides and posted for judgment. When the case was posted for judgment on that day the Accused No.4 was absent and this Hon'ble court was pleased to pass NBW against the accused No.4. Since then the Accused No.4 is in J.C for more than 1 month. There are no reasonable grounds to believe that the accused No.4 has committed the offence alleged against him. But the complainant had registered a false case against the accused person and he is nowhere concerned or connected with the alleged offences. There is no chance of his absconding from the jurisdiction of this Hon'ble court and he will undertake to appear before the Court whenever directed to do so. The accused person offers surety for his release on bail and undertakes to appear before this Hon'ble court whenever directed to do so. The accused person is not influential person who could tamper the prosecution witnesses. He will obey the order of this Hon'ble court. Hence, it is prayed to allow the petition and grant the bail to accused.

4. The learned public prosecutor has filed his objections. He argued that there is prima-facie material against the accused along with other accused has committed the offences alleged against him. That the charge sheet has been already filed and charge sheet materials clearly point out specific case against the accused. Once the accused has jumped the bail conditions imposed by this Hon'ble court hence, at this stage, if this accused is let on bail, there is every possibility of him being absconding. Hence, he has sought for rejection of the bail petition.

5. Heard the both sides. Perused the records.

6. For disposal of the bail petition the following points arise for my considerations;

1. Whether the accused has made out sufficient grounds for grant of regular bail U/s 439 of Cr.P.C.?

2. What order?

7. My findings to the above points are as under;

Point No.1: In the Affirmative

Point No.2: As per final order
for the following;

REASONS

8. **Point No.1:-** I have perused the entire charge-sheet materials and also took note of the grounds urged in the bail petition.

9. The offences alleged against the accused are under section 302, 201 and 120-B r/w 34 of IPC. It is submitted that this Accused No.4 had already released on bail at the crime stage for the aforesaid offences. After committal of the case, initially this accused has attended the court regularly, thereafter he remained absent before this court and accordingly this court issued a non-bailable warrant against this accused. In pursuance of NBW, the complainant police have arrested this accused, produced him before this court and thereafter, this accused has been remanded to J.C. The learned counsel for the accused has vehemently contended that already charge sheet has been filed, trial has been concluded in this case and the case has been posted for further arguments of the prosecution side. Moreover, Accused no.1 to 3 have been already on bail, therefore this accused also entitled for bail.

10. Be that as it may, in this case the charge sheet has been already filed and trial has been already concluded. Hence, the accused is no more required for any custodial investigation. Moreover, this accused had already released on bail at the crime stage for the aforesaid offences and further, the accused no.1 to 3 have been already released on bail therefore, this accused is also entitle for bail.

11. On the other hand, the apprehension of the prosecution could be met by imposing stringent conditions on the accused. Therefore, there are sufficient and reasonable grounds to extend the benefit of the bail to the accused. Hence, I answered the point No.1 in the *Affirmative*.

12. **Point No.2:-** In the light of above discussion, I proceed to pass the following;

ORDER

The petition filed by the accused no. 4 - V. Chandrappa @ Chandru, under section 439 of Cr.P.C is hereby allowed.

The accused no. 4 - V. Chandrappa @ Chandru, is enlarged on bail in connection with Crime No.132/2013 [S.C.25/2014] of Birur Police Station for the offence punishable under section 302, 201 and 120-B r/w 34 of IPC., on execution of personal bond for Rs.1,00,000/- along with one surety for the like sum, subject to the following conditions.

1. The accused shall appear before the court on all dates of hearing without fail.
2. The accused shall not tamper with the prosecution evidence in any manner directly or indirectly.
3. The accused shall not prevail over the prosecution witnesses.

Sd/-

[Manjunath Sangreshi]
II Addl. District & Sessions Judge
Chikkamagaluru.

