



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF SEPTEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL APPEAL NO. 772 OF 2024

Between:

Sridhara @ Kenda
S/o Kullegowda,
Aged about 32 years,
Residing at Ittanahalli Koppalu,
Kiraga Valu Hobli,
Malavalli Taluk, Mandya District.

...Appellant

(By Sri A.N.Radha Krishna, Advocate)

And:

1. The State of Karnataka
By Bidadi Police,
Represented by
The State Public Prosecutor,
High Court Building,
Bengaluru – 560001.

2. Smt. Sharada
W/o Late Kumar V.,
Aged about 31 years,
Resident of Muthurayanagudi Palya,
Bidadi Hobli, Ramanagara Taluk
Ramanagara District – 562109.

...Respondents

(By Smt. Rashmi Jadhav, Addl.SPP for R1;
R2 – Served, Unrepresented)

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by VEERENDRA
KUMAR K M
Location: HIGH
COURT OF
KARNATAKA



This Criminal Appeal is filed under section 14(A)(2) of SC/ST (POA) Act praying to set aside the order passed by the learned I Additional District and Sessions Judge, Ramanagara in Crl.Misc.No.59/2024 dated 19.02.2024, consequently allow the appeal and grant bail to the Appellant/Accused No.6 in Cr.No.158/2021 of Bidadi Police Station, now pending in Spl.C.No.69/2021 for the offence p/u /s 143, 147, 148, 302, 120(B), 212, 149 of IPC and section 3(2)(v) of SC/ST (POA) Amendment Act 2012.

This Criminal Appeal, coming on for admission, this day, judgment was delivered therein as under:

CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

ORAL JUDGMENT

This is an appeal under section 14 (A) 2 of the Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act challenging the order dated 19.02.2024 passed by the I Addl. District and Sessions Judge, Ramanagara in Crl.Misc.No.59/2024 rejecting the bail application of accused no.6.

2. This is the second attempt being made by accused no.6 for bail before this court, his earlier appeal No.1303/2023 was dismissed by order dated 10.11.2023.



3. Heard Sri. A.N. Radhakrishna, learned counsel for the appellant and Smt. Rashmi Jadhav, Addl.SPP for respondent no.1.

4. The two submissions of Sri. A.N. Radhakrishna are that the appellant has been in custody since 10.05.2021 and has already spent a period of three years four months in jail and secondly that the evidence given by PW2 does not disclose the participation of the appellant in the commission of crime. Incidentally he refers to FIR where the name of the appellant is also not mentioned in column no.6 of the FIR. Smt. Rashmi Jadhav opposes grant of bail by submitting that this court declined to entertain the application for bail on merits and therefore now changed circumstance has not been made out by the appellant.

5. With regard to the points urged by Sri. Radhakrishna it is to be stated that it is a well established principle that FIR need not contain all the details of the crime and if for any reason the name of the accused is not



mentioned it does not matter, because if the investigation reveals the participation of a person whose name does not find a place in FIR, it is the charge sheet that should be considered and not the FIR. In this case the charge sheet discloses participation of the appellant. His period of imprisonment at this stage does not matter because he is facing trial for the offence of section 302 IPC and in case the trial ends in conviction of the accused, the accused has to be punished either with life imprisonment or death depending upon the circumstances. Life imprisonment means it is for remaining life span of the accused.

6. The appellant has produced copy of the depositions of PW2. The trial is still under progress. No opinion can be expressed based on the evidence of PW2 because if any observation is made here, it may influence the trial court while appreciating the evidence after conclusion of trial. The trial has not been completed and as per the submission made by Smt. Rashmi Jadhav still two or three eye witnesses are to be examined. For all



these reasons I do not find a good ground to entertain the appeal. It cannot be said that the trial court has committed an error in rejecting the bail application. Therefore appeal is dismissed.

SD/-
(SREENIVAS HARISH KUMAR)
JUDGE

sd

List No.: 1 Sl No.: 3