

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION No. 2180/2020

BETWEEN

1. Shabana M Ron
D/o Madinsab
Aged about 38 years
Occ: Housewife
2. Shainaj J Ron
W/o Javed Ron
Aged about 32 years
Occ: Housewife
3. Reshma Gadag
W/o Anwar Gadag
Aged about 40 years
Occ: Housewife
4. Mehaboobi I Mandali
W/o Iraqi
Aged about 32 years
Occ: Housewife
5. Shabira Benne
W/o Gudusab
Aged about 35 years
Occ: Housewife
6. Fatima
W/o Dawalsab Nadaf

Aged about 30 years
Occ: Housewife

7. Khaza
S/o Abdul Karim Bepari
Aged about 30 years
Occ: Gaundi Work
8. Rajesab
S/o Hasansab Nadaf
Aged about 43 years
Occ: Employee in RNS Motors
9. Allahbaksh
S/o Hassansab Nadaf
Aged about 36 years
Occ: Coolie in railway station
10. Javeed
S/o Abdul Razaq Bijapur
Aged about 42 years
Occ: Electrical Work
11. Afzal
S/o Modinsab Ron
Aged about 27 years
Occ: Tea Seller
12. Mohammed Ghouse
S/o Memboobsab Havanur
Aged about 18 years
Occ: Coolie
13. Irfan
S/o Khaza Bepari
Aged about 22 years
Occ: Business

14. Guddusab
S/o Rahamansab Benni
Aged about 42 years
Occ: Driver
15. Mohameed Iqbal
S/o Godusab Benni
Aged about 19 years
Occ: Student
16. Khaza
S/o Abdul Karim Bepari
Aged about 30 years
Occ: Gaundi Work
17. Davalsab Nadaf
S/o Hazaratsab Nadaf
Major
Occ: Coolie
18. Bashasab Bepari
S/o Bepari
Major
Occ: Coolie
19. Patte Ahamed Shabdi
S/o Ahmed
Major
Occ: Coolie
20. Immu Nadaf
Major
Occ: Coolie
21. Jilani D Nadaf
S/o Davalsab
Major
Occ: Coolie

22. Sharukha Bepari
S/o Bepari
Major
Occ: Coolie

23. Rabbani Beppari
S/o Beppari
Major
Occ: Coolie

All are residents of Mantur Road,
Aralikatti Colony, Huballi,
Dharwad District.

...Petitioners

(By Sri. F.V. Patil, Advocate)

AND

State of Karnataka,
By Police Station, Hubli Town Police Station.

Represented by State Public Prosecutor,
High Court of Karnataka,
High Court Buildings,
Dharwad.

...Respondent

(By Sri. Divakar Maddur, HCGP)

This Criminal Petition is filed under section 439 Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.19/2020 of Hubli Town P.S., Hubballi, Dharwad for the offence P/U/S 143, 147, 148, 188, 271, 323, 324, 332, 353, 504, 149 of IPC.

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

ORDER

Heard the petitioners counsel and the High Court Government Pleader.

2. There are about 23 petitioners of which petitioners 1 to 6 are women. The respondent-police has registered a case against the petitioners in Crime No.19/2020 for the offences punishable under Sections 143, 147, 148, 188, 271, 323, 324, 332, 353, 504 read with Section 149 IPC. The allegations made against them are that by violating the instructions issued by the Government for effective control of pandemic Covid-19, all these petitioners formed unlawful assembly and pelted stones and brick pieces against the police when the latter wanted to disperse the mob.

3. Learned counsel for the petitioners submits that petitioners 1 to 6 are women and the names of some of the petitioners are not found in the FIR. Only for the

purpose of offering prayers they came outside. The police have registered false complaint against all the petitioners.

4. Learned HCGP produces wound certificates of five police personnel who were injured due to pelting of stones.

5. In the circumstances made out in the complaint what is to be observed is that for the public good at large, the Government issued instructions for effective control of pandemic Covid-19. If the petitioners violated those instructions and attacked the police, it has to be stated that their conduct is not commendable. Therefore, until the entire matter is investigated by the police, I do not think that the petitioners are entitled to bail. However, taking into consideration the fact that the petitioners 1 to 6 are women and have small children to be looked after, lenient view is taken only in respect of petitioners 1 to 6. Hence, the following order : -

(a) Petition is partly allowed. Petition as regards petitioners 7 to 23 is dismissed.

(b) *Petitioners 1 to 6 shall be released on bail by obtaining from each one of them a bond for Rs.50,000/- and a surety for the likesum to the satisfaction of the trial court Judge.*

(c) *Petitioners 1 to 6 are subjected to the following conditions :-*

(i) *They shall not come out of their houses till the Government lifts the lock down period.*

(ii) *They shall not tamper with evidence or threaten the witnesses.*

(iii) *They shall regularly adhere to the instructions issued by the Government for control of pandemic Covid-19.*

(iv) *Violation of any of these conditions will result in automatic cancellation of bail.*

The order may be communicated to the jail authorities for releasing petitions 1 to 6.

**SD/-
JUDGE**

ckl

