

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH.20)**

Present:

Sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 7th day of November, 2020

Crl.Misc.No.25845 & 25857/2020

Petitioners in
Crl.Misc.No.
25845/2020:-

1. Shantharaj @ Dal,
S/o Selvaraj,
Aged about 31 years,
R/a. No.106, 4th Cross,
Near St.Judes Church,
Sathyanagar, Maruthi Seva
Nagar, Bengaluru – 560 033.
2. Manoj Kumar.M.,
S/o Madhiazhagan,
Aged about 32 years,
R/a. No.194, KHB Colony,
Chittappa Garden, Cox Town,
Jeevanahalli, Bengaluru
3. Shiva Kumar @ Shiva
S/o Durai,
Aged about 37 years,
R/a. M.S.Building,
Pottery Road,
Frazer Town, Bangalore
[By M.J.P-Advocate]

Petitioner in
Crl.Misc.No.
25857/2020:-

Sharana Basava Ivanigi
S/o Shankarappa Ivanigi
Aged about 22 years,R/a. 25,

Gover Road,
Cox Town, Bangalore

[By Sri. H-Advocate]

Vs.

Respondent:-

State by Pulakeshi Nagar
Police Station , Bangalore

[By Public prosecutor]

COMMON ORDER

Petitioners in Crl.Misc.No.25845/2020 and
Petitioner in Crl.Misc.No.25857/2020 have filed
these bail petitions under section-439 of the Cr.P.C.,
praying for granting an order of Regular bail in
respect of the offences alleged under sections-341,
323, 307, 504, 506 read with sec.34 of the Indian
Penal Code in Crime No.241/2020 of the
Respondent-Pulakeshi Nagar Police Station,
Bengaluru.

2. Brief facts of the bail petitions are as under:-

Respondent Police have falsely implicated them in the case. They are totally innocent of the offences alleged against them. They are in judicial custody. They are sole bread earners of their respective families. Offence is not punishable with imprisonment for life or death. They have valid and tenable defence. They have not committed any offences as alleged. They are ready to offer solvent sureties and abide by any conditions and there are no overtacts attributed against them. Thus, petitioners have sought for enlarging them on bail.

3. Objections filed by the prosecution to the above petitions, are as under:-

Respondent Police have registered a case in Crime No.241/2020 for the offences under sections- 341, 323, 307, 504, 506 read with sec.34 of the Indian Penal Code against the Accused persons. Investigation is still under progress. Petitioners have

committed the offence. If the petitioners are released on bail, they may abscond permanently and also commit similar offences and abscond from trial. Offence alleged is punishable with death or imprisonment for life. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the bail petitions.

4. Heard arguments and also perused the records.

5. In the circumstances, the following points arise for determination are:-

1. Whether petitioners in Crl.Misc. No.25845/2020 and petitioner in Crl.misc.No. 25857/2020 are entitled to an order of Regular Bail, as sought for?

2. What order?

6. My findings to the above points are under:

Point No.1 :- In the **affirmative**

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

R E A S O N S

7. Point No.1:- On the complaint of one G.Prabhu, respondent police have registered FIR of this case in Crime No.241/2020 for the offences punishable under sections-341, 323, 307, 504, 506 read with sec.34 of the Indian Penal Code. Informant has alleged in his complaint that he is doing business by vending Fried rice on a pushcart and leading life. On 20.10.2020 at 4.PM, four unknown persons came to his pushcart and ate fried rice, but when informant asked them to pay money, they all abused him in vulgar language and assaulted with hands and one among them tried to stab the informant with a knife which hit him on his thigh resulting in bleeding injury and remaining three held the informant and

then accused who was holding the knife again tried to assault with knife. By that time people gathered at the spot. Then, accused persons posed threat and went away from the spot. Informant took treatment at Srinivasa Nursing Home and then submitted the complaint. Informant came to know of the name of one of the persons who assaulted with knife as Accused No.1.

8. Petitioners in Crl.Misc.No.25845/2020 are Accused Nos.1 to 3 and Petitioner in Crl. Misc. No.25847/2020 is Accused No.4. They have denied the incident and claimed innocence. Certified copy of the remand application shows that petitioners were arrested on 21.10.2020 and ever since they are in custody. I.O. has already interrogated the petitioners and submitted remand application stating that petitioners may be remanded to judicial custody.

Hence, petitioners are no longer required for further interrogation or investigation.

9. FIR shows that informant has sustained injury on his right thigh and also after incident he has taken treatment in the Hospital and then he has gone to Police Station and submitted complaint. Same shows that informant has not suffered any fatal injuries and also he has not taken treatment as inpatient. Further, the very nature of allegation show that intention to commit murder was not there. Allegation show that accused persons ate fried rice from the pushcart vendor who is the informant which shows that allegedly for the sake of food they have gone to the informant and after that they have not paid for the same and it has resulted in the scuffle and there was no motive or previous enmity. As the injuries seems to be simple in nature and no

grave circumstances are seen and petitions are in judicial custody since 22.10.2020, I am of opinion that by imposing stringent conditions, they may be enlarged on bail. Consequently, Point No.1 **is answered in the affirmative.**

10. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Bail Petitions filed under Sec.439 of the Cr.P.C by the Petitioners in Crl. Misc. No.25845/2020 and Petitioner in Crl. Misc. No. 25857/2020 **are hereby allowed.**

Petitioners in Crl.Misc.No.25845/2020 and Petitioner in Crl.Misc. No.

25857/2020–Accused Nos.1 to 4 in Crime No.241/2020 of Pulakeshi Nagar Police Station, Bengaluru, are hereby enlarged on bail for the offences punishable under sections 341, 323, 307, 504, 506 r/w. 34 of Indian Penal Code, subject to the following conditions:-

1) Petitioners shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

2) Petitioners shall co-operate in the investigation of the case.

3) Petitioners shall not abscond from the trial.

4) Petitioners shall execute personal bond for a sum of Rs.50,000/- each and furnish one surety in like sum to the satisfaction of the Learned 11th Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru.

Keep the original of this Order in Crl. Misc.No.25845/2020 and certified copy therein, in Crl.Misc.No. 25857/2020.

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(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me on this the **7th day of November, 2020**)

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(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

Vk

(Order pronounced vide separate Order)

ORDER

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Chief Metropolitan Magistrate, Mayo Hall
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(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

