

**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 27th day of October, 2020

Crl.Misc.No.25820/2020

Petitioners:-

1. Abhishek.R @ Abhilash @
Abhi,
S/o Ramesh.R.,
Aged about 18 years,
R/a No.33, Vaddarapalya,
Kaveri Nagar, Horamavu,
Bangalore.
2. Sathish Kumar,
S/o Muniswamy,
Aged about 26 years,
R/a No.4/46, Palaiyam,
Panjapalli, Dharmaouri District
Tamil Nadu-636812

[By Sri.R.D-Adv]

Vs.

Respondent:-

State by Pulakeshi Nagar Police
Station, Bengaluru City.

[By Public prosecutor]

ORDER

Petitioners 1 & 2 have filed this petition U/s.438 of Cr.P.C. praying for granting an order of anticipatory bail in respect of the offences alleged under sections-341, 448, 307, 324, 427, 323 read with sec. 34 of the Indian Penal Code in Crime No.210/2020 of Pulakeshinagar Police Station.

2. Brief facts of the petition are as under:-

Respondent Police have falsely implicated them in the case. They are totally innocents of the offences alleged against them. They are the sole bread earners of the family. 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 granting an Order of Anticipatory Bail in their favour.

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

Respondent Police have registered a case in Crime No.210/2020 for the offences under sections- 341, 324, 427 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 petition.

4. Heard arguments and also perused the records.

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

1. Whether Petitioners are entitled to an order of Anticipatory Bail, as sought for?

2. What order?

6. My findings to the above points are under:

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

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

R E A S O N S

7. Point No.1:- One Prathap.A.M. has submitted FIS to the Respondent Police Station. On the basis of which Respondent police have registered Crime No.210/2020 for the offences punishable under sections 341, 324, 427 read with sec. 34 of the Indian Penal Code. Later in the remand application offence under section 307 of Indian Penal Code has been incorporated.

8. As per the allegations in the FIS, informant, one Arun D.K. and Lokesh were residing together and informant was working as Cashier at Parvathi Wines which is situated on Hines Road. On 23.09.2020 as usual, he was doing sales at Parvathi Wines and at 9.50 PM, two persons from Sri. Vinaya

Hot Chips which is on Robert Road, came to the Wine stores and asked for one case of Tabor Beer and four full bottle of DSP Black. Informant asked them to pay Rs.4,380/- for the same. But, said two persons spoke to some one on phone and within 2-3 minutes two more persons belonging to their side came to the spot and they also asked for One case of Tabor Beer and Full bottle of DSP Black. When informant asked them to pay money, one of them fisted on the face of the informant by coming inside the wine stores and another climbed on the refrigerator which was near the cash counter and all of a sudden assaulted with chopper which hit on his left palm and then he assaulted on his right shoulder and right thumb with the chopper. Another broke the showcase and closed the CC Tv in the shop. Immediately, informant's friend by name Arun D.K.

who was present with them took the informant to Santhosh Hospital and admitted him as inpatient. On 24.09.2020 at 1 AM statement of the informant has been recorded in the Hospital in the presence of the Doctor whose attestation is found in the FIS and then case has been registered.

9. Now, Accused No.3 has been arrested on 09.10.2020. These petitioners are arrayed as Accused Nos.1 and 2 in the Remand application. They claim that they have been falsely implicated in the case and assault is not on the vital part of the body of the injured and the injured was not admitted as inpatient in the Hospital.

10. However, FIS itself shows that in the presence of the Doctor, police have recorded

informant's statement and Doctor who was present has attested about the same therein. Hence, it is seen the injured/informant was taking treatment as inpatient in the Hospital and serious injuries have been caused using dangerous weapon namely Chopper and investigation is still at the initial stage. Accused No.3/Prashanth @ Appu who was arrested on 09.10.2020 had filed bail petition in Crl. Misc. No.25816/2020 seeking an Order of regular bail in the case, which has been dismissed by this court vide order dtd. 23.10.2020.

11. Having regard to the facts and circumstances of the case, I am of opinion that, it is not a fit case to grant Anticipatory Bail to the Petitioners as recovery of weapons is to be done. Consequently, Point No.1 is answered in the **negative.**

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

ORDER

Bail petition filed by Petitioners/
Accused Nos.1 and 2 under Sec.438 of
the Cr.P.C., seeking an order of
Anticipatory Bail, **is hereby dismissed.**

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(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me in the open court on this the **27th day of October, 2020**)

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(D.S.VIJAYA KUMAR)

XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

(Order pronounced vide separate Order)

ORDER

Bail petition filed by Petitioners/Accused
Nos.1 and 2 under Sec.438 of the Cr.P.C.
seeking an order of Anticipatory Bail, **is
hereby dismissed.**

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