

KABC010003722022



**IN THE COURT OF PRL. CITY CIVIL AND SESSIONS
JUDGE, BENGALURU**

Present:

**Sri Santhosh Gajanan Bhat, B.A.Law., LL.B.,
LXXXI Addl. City Civil & Sessions Judge,
Bengaluru City (CCH-82)
(Special Court exclusively to deal with criminal cases
related to elected MPs/ MLAs in the State of Karnataka)
C/c Prl. City Civil & Sessions Judge,
Bengaluru (CCH-1)**

Dated this the 8th day of May, 2024

S.C.No.26/2022

COMPLAINANT: The State of Karnataka
by Aduodi Police Station,
Bengaluru.

(By Public Prosecutor)

V/s

ACCUSED: Prabhu @ Hitler and Others

**ACCUSED NO.4
/ APPLICANT** Shrikanth @ Robert Canady
S/o. Harikrishna
Aged 21 years, No.628,
1st Main, 8th Cross, Rajendra
Nagar, Bengaluru.

(By Sri.Sathish, Advocate)

ORDER ON BAIL APPLICATION OF ACCUSED NO.4

This bail application is filed under Sec.439 of Cr.P.C., by the applicant/ accused No.4 seeking his enlargement on regular bail for the offences punishable under Sections 399 and 402 of IPC.

2. The brief facts of the prosecution case is that, on 10.03.2020, at about 7.30 PM., the complainant, who is none other than the PSI of the Adugodi Police Station has received credible information that about six persons were making preparation to commit dacoity near a vacant place adjacent to Ambedkar Bhavan at Nanjappa Layout and as such, he had immediately visited to the said place and found 6 persons armed with deadly weapons and on noticing the Police, the accused No.6 had fled from the said place and remaining accused persons were nabbed and on returning to the Police Station, laid a written information. On the basis of the said written

information, FIR came to be registered and thereafter investigation had commenced.

3. During the course of investigation, the present accused No.4 was admitted to bail and subsequently on completion of the investigation, charge-sheet came to be committed to this Court. However, at the time of committal, the accused No.4 was not present and as such, NBW came to be issued against accused No.4. Thereafter, the accused No.4 was arrested and remanded to custody and later on he was secured before this court under a body warrant. The accused No.4 has now filed the present bail application under Section 439 of Cr.P.C., stating that, no prima-facie case has been made out and a false allegation has been leveled against him. It is submitted by the Learned Counsel for the accused that the offences alleged are not heinous and is not punishable with life and death imprisonment. The Learned

Counsel for accused has also argued that the allegations which has been leveled is required to be established during the course of trial and at this juncture there are no materials to indicate the active involvement of the present accused No.4. It is his submission that the sole allegation which has been leveled against the accused person was that he was holding a packet of chilly powder in order to help the other accused persons. By pointing the same, he has vehemently argued that a false case has been foisted against him and hence he has sought for allowing him to regular bail.

4. The Ld. Public Prosecutor on request has put in his appearance and filed detailed statement of objections. The Ld. Public Prosecutor has argued at length that the offences are heinous in nature and accused No.4 is a habitual offender who should not be

admitted to regular bail. Accordingly, he has sought for rejecting the bail application.

5. Heard and perused the materials.

6. The points that would arise for my consideration are as follows:-

1) Whether accused No.4 has made out grounds for admitting him to regular bail ?

2) What order ?

7. My findings on the above points are as hereunder:

Point No.1 : In the Affirmative

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

REASONS

8. **Point No.1**: Admittedly, before adumbrating to the facts of the case, it is pertinent to note that the

allegations which is leveled in the instant case is that the accused Nos.1 to 6 were making preparation to commit dacoity on 10.03.2020 at about 7.30 PM., On receiving the credible information, the complainant SHO of the Adugodi Police Station visited the said place and has nabbed accused Nos.1 to 5. It is relevant to note at this juncture that the sole allegation which is leveled against the present accused No.4 is that he was possessing chilly powder packet in his hand. Be that as it may, the allegations of making preparation to commit dacoity is a matter which is required to be established during the course of trial. Admittedly, the accused No.4 is in judicial custody for one or the other reasons from 2022 and the records indicate that the trial of the case cannot be completed in the near future. Since accused No.4 has offered to provide necessary surety as directed by this Court and to abide by the conditions that may be imposed, I am

of the opinion that the apprehension of the prosecution can be taken care by imposing stringent conditions. Accordingly, I answer point No.1 in the affirmative.

9. **Point No.2:** In view of the discussions made herein above, I proceed to pass the following:

ORDER

The bail application filed under Section 439 of Cr.P.C., is hereby allowed.

*Accused No.4 Shrikanth @ Robert Canady, is hereby enlarged on bail in S.C.No.26/2022 (Cr.No.44/2020 and CC. No.5932/2020) on his executing a personal bond for a sum of **Rs.1.00 lakh** with **one** surety for the likesum, subject to the following conditions;*

- 1. The accused No.4 shall not tamper with the prosecution witnesses.*
- 2. He shall appear before the court regularly on all the dates of hearing.*

3. *He shall not commit or indulge in similar offences.*

*(Dictated to the Stenographer Grade-I, transcribed and typed by her, revised and corrected by me and then pronounced in the Open Court on this **the 8th day of May, 2023**)*

(Santhosh Gajanan Bhat)
LXXXI Addl. City Civil & Sessions Judge,
Bengaluru City (CCH-82)
C/C Prl. City Civil & Sessions Judge,
Bengaluru (CCH-1)