

**IN THE COURT OF IV ADDL. DISTRICT AND SESSIONS JUDGE,
AT DODDABALLAPURA**

Present : Sri. C. CHANDRA SEKHAR, L.L.M.,
IV Addl. District and Sessions Judge,

Dated this the 25th Day of March 2021

S.C. No. 10023/ 2018

Complainant : State by Doddaballapur Town
Police Station.

(By Public Prosecutor)

V/s

Accused : 1. Yellappa @ suri.
S/o Nagaraju,
Aged about 26 years,
R/at Near Duggamma Temple,
Veerabhadranapalya,
Doddaballapura.

(Sri. Pramod.Y., Adv for A-3)

Order on bail application filed U/sec 439 of Cr.P.C.

Bail application U/s. 439 of Cr.P.C. on behalf of accused No.1/Yellappa Suri seeking Regular Bail.

2. The PSI Doddaballapura Town Police Station has filed charge sheet against the accused No.1 to 5 for the offences punishable U/Secs. 504, 307, 143, 147, 148, 506 R/w Sec. 149 o IPC. The Accused No.3 is in Judicial Custody.

3. In this petition seeking Regular Bail, the accused No.3 has urged various grounds stating that he is innocent and has not committed any offences. The police have completed the investigation and the charge sheet is filed before the jurisdictional court and therefore his custodial integration is not required. He is falsely implicated by the family members of the injured and he is ready to co-operate during the trial and also abide by any conditions that would be laid down by this Court. Petitioner is resident of the address shown in the cause title and the Charge Sheet having movable and immovable assets and as such, fleeing from justice would not arise. Therefore, it is prayed to grant regular bail.

4. The learned Public prosecutor has filed objections stating that the accused No.3 has committed heinous offence of attempt to murder and the material collected so far by the I.O shows that there is prima-facie case against him and this is not a fit case to grant relief of bail. He has not urged any valid grounds seeking regular bail. If he is enlarged, he may abscond and there are also chances that he may threaten the complainant and his family members. Therefore, the prosecution prays to reject the petition.

5. I have heard the counsel for the Petitioner and the learned Public Prosecutor. I have also perused the material on record.

6. By virtue of the above facts and circumstances, the point that arises for my consideration is:

1. Whether the Accused No.3/Rajesh has urged valid reasons or substantial grounds for grant of regular bail?

2. What order?

7. My finding on the above points are;

Point No.1 : In the Affirmative.

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

REASONS

Point No.1:

8. The complainant/Shashikumar is the brother of the injured Raghunath. In his complaint dated 12.10.2016, he had stated that at about 2.45am., on the said day when he and his family members were sleeping in their house in Srinagar, Doddaballapura Town at that time they heard someone knocking the door and when he opened the door 4 unknown persons entered the house and assaulted his brother with a Iron Rod on his head and also stabbed him with a knife. When the complainant tried to interfere the said persons had assaulted him and his family members and fled from the spot. The Police had registered case against the 4 unknown persons in Crime No.184/2016. During the Investigation, 5 accused were picked up and charged with the aforesaid offences.

9. Admittedly, the name of Accused No.3 or for that matter names of other accused does not find place in FIR. Even in the charge sheet there are no overt acts alleged against accused No.3. When the complainant had informed/alleged that only 4 persons had committed the alleged offences, the charge sheet filed again 5 persons raises suspicion on the version of the prosecution particularly the role of accused No.3. The prosecution papers reflect that Test Identification Parade is not held to facilitate the Eye witnesses to identify the accused. Therefore, the court of the opinion that there is no prima -facie case made out against the accused No.3.

10. It is relevant to note that investigation is completed and his custodial interrogation is not required for any purpose what so ever. He is in Judicial Custody from the date of arrest. He has undertaken to abide by any conditions that would be laid down by the court and also offer solvent surety to satisfaction of the court. The apprehension of the prosecution can be arrested by imposing stringent conditions. Considering the above facts and circumstances, I hold that accused No.3 is entitled for bail. Consequently, point for consideration is answered in the **Affirmative.**

Point No.2 :

11. In view of the above discussion, reasons stated and finding given to point No.1, the following is made:

ORDER

The bail application filed by the accused No.1/Yellappa @ Suri u/sec 439 of Cr.P.C., is hereby allowed.

Accused No.1/Yellappa @ Suri is enlarged on bail on executing personal bond for Rs.50,000/- and one solvent surety for like sum.

The accused No.1 shall abide by the following:

CONDITIONS

- a) Accused No.1 shall appear before the Court on all hearing dates during the trial.
- b) Accused No.1 shall not threaten the prosecution witnesses.
- c) Accused No.1 shall not commit any other offence.

(Dictated to the Typist directly on computer, corrected by me and then pronounced in the open court on this the **25th Day of March 2021**)

Sd/-

(C. CHANDRA SEKHAR)
IV Addl. Dist., & Session Judge,
Doddaballapura.