

**IN THE COURT OF IV ADDITIONAL DISTRICT AND SESSIONS
JUDGE AT DODDABALLAPURA**

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

Dated this the 28th Day of August 2019

S.C. No. 10015/2019

COMPLAINANT : State through Doddaballapura Town
Police Station

(By Public Prosecutor)

V/s

ACCUSED : Anand S @ Kabab Anand0,
S/o. Sathish,
Aged about 22 years,
R/at. Devarajanagara,
Kongadiyappa College Road,
Doddaballapura Town,
Bengaluru Rural District.

(By Sri.Druva Kumar K.H.)

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

This Bail Application is filed by Accused Ananda S.@ Kabab Ananda U/s. 439 of Cr.P.C. seeking Regular Bail.

2. Accused is facing trial for the offence u/s 302 and 307 of IPC. Accused is in Judicial Custody.

3. In this bail Application seeking regular bail, the Accused has urged various grounds stating that he is innocent and has not committed any offence and falsely implicated by the complainant and respondent Police. He is ready to co-operate during the trial and also abide by any conditions that would be

laid down by this Court. He is permanent resident in the address mentioned in the cause title, having movable and immovable assets and as such, fleeing from justice would not arise. The investigation is completed and charge sheet is filed and therefore his custodial integration is not necessary. Therefore, it is prayed to grant regular bail.

4. The learned Public prosecutor has filed objections stating that the accused has committed heinous offences of murder and 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 to Accused. The respondent Police have opened a Rowdy Sheet against the accused who is also involved in many offences and if bail is granted he will commit similar offences in the Town. He has not urged any valid grounds seeking Regular Bail. If enlarged, he may abscond and there are also chances that he may threaten the complainant/Prosecution witnesses. Therefore, the prosecution prays to reject the petition.

5. I have heard the counsel for the accused 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 Applicant/Accused has urged valid reasons or substantial grounds for grant of regular bail?
2. What order?

7. My finding on the above points are;

1. Point No.1: In the **Negative.**
2. Point No.2: As per final order for the following:

REASONS

Point No.1:

8. This is a case of a murder of deceased namely Gangadhara @ Dasa and also case of attempted murder on CW2/Pavan Kumar @ Pavan. It is the case of the prosecution that the accused was assisting his father in running a Kabab Center in Kallupete of Doddaballapur Town and the deceased Gangadhara @ Dasa often forcibly took money from the accused. In December 2018, the deceased had planned a Shabarimala Trip and asked the accused to arrange for money which he had refused. In this regard, they had quarreled and the deceased had planned to eliminate the accused. On 07.01.2019 at about 9.15 P.M. the deceased had taken Chilli Powder and a chopper hidden in his Jerkin and went near Preethi Wine Circle along with CW2/Pavan. At about 9.45 PM when the accused had come to that spot, the deceased had taken him near 9th Cross, Karenahalli Village, near the house of one Boothapalli Srinivas and both started quarreling. The deceased with an intention to attack the accused took out the Chopper and tried to assault but accused had snatched it and hit the deceased. CW2/Pavan who tried to intervene was also attacked by the accused with the chopper and caused injuries on his head and left hand. Thereafter, he had thrown chilli powder on the deceased and hit him with the chopper about 7-8 times and caused grievous injuries on his head, face and neck. CW2 in the mean time escaped and came to back the spot along with CW1/Manjunatha and shifted the deceased to the Government Hospital but he had succumbed to the injuries at 11.15 P.M. The fact that CW2/Pavan

was eye witness to the incident and he was also grievously injured in the attack by the accused is suffice to hold that there is a prima-facie case made out at this stage against him and therefore this is not a fit case to enlarge him on bail.

9. This is not a case which rests on circumstantial evidence. As observed above, CW2/Pavan had witnessed the gruesome assault on his friend and his 161 Statement is recorded by the Investigation Officer. There are witnesses who have given 161 statements of having seen the deceased taking away the accused in order to speak with him and there are also independent witnesses who have given statements that deceased did not have cordial relationship with the accused. The Investigation Officer has seized the Chopper and blood stained cloths at the instance of the accused and Photographs taken at that time are placed on record. The statements of witnesses and aforesaid facts also reflect that there is a Prima-facie case made out against the accused.

10. Merely because the Investigation is complete and the custodial interrogation of the accused is not necessary, bail cannot be granted to him on those grounds. The complainant, Eye witnesses and circumstantial witnesses who have given statements to the police are friends and relatives of the deceased. In case bail is granted to the accused there are chances that he may attack them and may also abscond by jumping bail. Moreover as pointed above he is a Rowdy Sheeter and the Town Police have registered case against him in Cr.No.200/2016 for the offences Under Sections 399 and 402 of IPC for attempted dacoity. Therefore, by opining that the accused has not urged any valid grounds and that this is not a fit

case to enlarge him on bail, I answer point for determination in the **Negative**.

Point No.2:

11. In view of the above discussion, reasons stated and finding given to the point for consideration, the following order is passed.

ORDER

Bail application filed under Section
439 Cr.P.C is hereby rejected.

[Dictated to the Typist on computer, corrected and then pronounced by me in the Open Court on this the **28th day of August 2019**]

[C.CHANDRASEKHAR]

IV Additional District & Sessions Judge
Doddaballapura.