

**IN THE COURT OF THE XXVIII ADDL. CITY CIVIL & SESSIONS
JUDGE**

Mayo Hall, Bangalore, [CCH.NO.29]

Present :- Sri. Krishnaji Baburao Patil, B.Com., LL.B.,(Spl.)

Dated this the 23rd day of June 2020

Crl.Misc.No.25329/2020

- Petitioners:**
1. Shashi Kumar,
S/o Late Goudappa,
Aged about 34 years,
Residing at No.202,
Bhajane Main Road,
Kalyana Nagar Post,
B. Channasandra,
B'lore - 43.
 2. Srikant. M.E.,
S/o Here Gowda,
Aged about 28 years,
Residing at No.66, 4th Cross,
B. Channasandra Cross,
Bangalore-43.
 3. M. Mani,
S/o Armugam,
Aged about 32 years,
Residing at No.92, 9th Cross,
Kolaramma Slum,
Cox Town, Bangalore.
 4. Sidhartha @ Siddu,
S/o Devaraj,
Aged about 20 years,
Resident of Jeevana Halli,
K.R.Garden,
Cox Town, Bangalore.

(By pleader Sri. M. Shiva Kumar)

V/s

Respondent: State by;
Ramamurthy Nagar Police Station
Bengaluru.

(By Public Prosecutor)

ORDERS

The present Petition is filed by the Petitioners who are the accused No.1 to 4 in this case under Section 439 of Cr.P.C., for bail on the ground that the Respondent Police have registered case against the Petitioners in Cr.No.194/2020 for the offences punishable under Sections 399 and 402 of IPC.

2. The case of the Prosecution is that, on the basis of the complaint filed by the Complainant alleging that on 31.5.2020 at about 6.15 p.m., while the Complainant was discharging his official duty has got credible information from the informer that some persons have assembled near Deesha Roti Land Hotel, Outer Ring Road, Bangalore and were preparing to commit dacoity armed with dangerous weapons. The Complainant along

with the panchas went to the spot at about 7.20 p.m., and arrested the Petitioners with the help of his staff and lodged complaint against the Petitioners.

3. The Petitioners have contended that the Respondent Police have registered case in Cr.No.194/2020 for the offences punishable under Section 399 and 402 of IPC. The Petitioners are not attributed to any act as alleged in the complaint and there are no reasonable grounds to believe that the Petitioners are guilty of the offences alleged against them. The Petitioners are innocent of the alleged offences and they have got valid and tenable defense to prove their innocence. The Petitioners have contended that the complaint is baseless, false, concocted and cooked up story only to harass the Petitioners and also there is no absolutely prima-facie case against the Petitioners. There is no material fact or ingredient to attract the aforesaid section to show that the Petitioners have committed the alleged offence in the present case. The Petitioners are totally innocent of the offences alleged against them and there is no possible ground to believe that the Petitioners have committed the alleged offences. The complaint is an afterthought, master minded and

there is no any reasonable grounds to believe that the Petitioner has committed the alleged offence. The Petitioners have contended that on the date of alleged offence they were not at all present at the place of incident. The Petitioners undertakes to co-operate with the IO in investigation of the present case. The Petitioners are peace loving citizens and law abiding persons and they have no bad antecedents. The Petitioners are ready to abide by conditions imposed by this Court and undertakes to appear before the Court on every dates of hearing. They have also undertakes to produce the surety to the satisfaction of the Jurisdictional Magistrate in the event of Petition is allowed. The Complainant has not disclosed the place of incident in the complaint. As per the Complainant he received information at about 6.15 p.m., and arrested the Petitioners at 7.20 p.m., which is highly impossible to believe the words of the Complainant. No aggrieved person have filed any complaint in respect of the alleged incident. The Petitioners are the only earning members in the family. They are young. If they continued in custody they might have involve in some other cases influenced by others. The Complainant has arrested the Petitioners and a suo-moto case is registered against the Petitioners only with an intention

to harass them. Hence, prayed to allow the Petition.

4. For the said application the PP has filed objections along with CD reiterating the facts and further contended that the Respondent Police have recovered deadly weapons from the possession of the Petitioners. If the Petition is allowed there is every chance of their abscondance and tampering the prosecution witnesses. Hence, prays for dismiss the Petition.

5. On the basis of the above, the point that arises for my consideration are:-

- 1) Whether the Petition deserves to be allowed?
- 2) What order?

6. My answer to the above points are :

Point No.1 : In the Affirmative

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

REASONS

7. The Respondent Police have registered the case against the accused persons for the offences punishable under Section

399 and 402 of IPC and arrested were arrested and produced before the Jurisdictional Magistrate on 1.6.2020 and obtained police custody of all the four accused persons for five days for Covid-19 Test and thereafter the accused who have produced before the Court are remanded to JC. From the documents produced by the Petitioners and the contention of the Prosecutor it is clear that as on today the Petitioners are in judicial custody. From this, it is clear that the accused are not necessary for further investigation of the present case. As already contended by the Prosecution that the incriminating materials are already seized by the Police and enquired with the accused persons. Keeping the accused persons behind the bar will not serve any purpose. The offences alleged are not punishable with death or imprisonment for life. The Petitioners are residing within the jurisdiction of this Court. In support of their contentions they have produced copy of the Adhaar Cards. Under these circumstances, this Court is of the view that the Petitioners are entitled for bail as prayed for in the present petition. The apprehension of the Prosecution can be met with by imposing certain conditions. Hence, I answer Point No.1 in the Affirmative.

8. **Point No.2**:- In the result, this Court proceeds to pass the following:-

ORDER

The Petition filed by the Petitioners under Sec.439 Cr.P.C., is hereby allowed.

The Petitioner No.1 to 4 by name Shashi Kumar, Srikant M.E, M. Mani and Sidhartha @ Siddu are ordered to be released on bail in Cr.No.194/2020 of Ramamurthy Nagar Police Station for the offences punishable under Section 399 and 402 of IPC., on execution of personal bond for a sum of Rs.1,00,000/- each with one surety for likesum to the satisfaction of the Jurisdictional Magistrate subject to following conditions:-

1) The Petitioners shall co-operate with the IO for the investigation of the present case.

2) The Petitioners shall not leave the jurisdiction of this Court without prior permission of this Court.

3) The Petitioners shall not tamper with the prosecution witnesses in any manner.

4) The Petitioners shall appear before the Court on every

date of hearing.

5) The Petitioners shall produce their residential proof at the time of execution of the bond.

[Dictated to the Stenographer, thereafter transcribed and typed by the Stenographer and the same was corrected, signed and then pronounced by me in the open Court on this the **23rd day of June 2020**].

[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

Orders pronounced in open court
as under (vide separately):-

ORDER

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[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

