

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

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

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

Dated: This the 25th day of June 2020

Crl.Misc.No.25309/2020

Petitioner: Mani,
Aged about 25 years,
S/o Babu,
R/at No.107, 4th Cross,
Main Channel Road,
Saraswathipura, Jogupalya,
Halasuru, Bengaluru.

(Pleader By : Sri. T.G. Suresh)

.. Vs ..

Respondent: The State of Karnataka by
Halasuru Police Station,
Bengaluru.

(By Public Prosecutor)

ORDERS

The present Petition is filed by the Petitioner who is the accused No.5 in this case under Section 439 of Cr.P.C., for bail on the ground that the Respondent Police have registered case in Cr.No.83/2020 against the accused for the offences punishable under Section 307, 109, 120(B) r/w Section 34 of IPC.

2. The case of the Prosecution is that, the Respondent Police registered case based on the complaint given by one Karthik alleging that on 4.5.2020 there was a quarrel between the Complainant and Accused. It was also alleged that on 5.5.2020 at about 9.15 p.m., the accused along with other accused persons tried to attack the Complainant near B.B. Bakery, CMH Road, the Complainant ran away from the place and rescued himself from the accused. When he was near Murphy Town at about 10.00 p.m., the accused persons came on two two wheelers and surrounded the Complainant and threatened the Complainant that he will take away his life and took out machete and long and attacked the Complainant on his head and other parts of the body with an intention to kill him.

3. The Petitioner has contended that he is innocent of the alleged accusation leveled against him. There is no prima-facie case made out by the Prosecution. There is no enmity between the Petitioner and the Complainant and the Petitioner had no intention to kill or attempt to kill the Complainant. The Complainant made false allegations against the Petitioner with malafide intention even though they are known to each other.

The Petitioner is law abiding citizen and the Petitioner is permanent resident of address shown in the cause title. He is having movable and immovable properties. He is the only bread earning member of his family. The Petitioner is an educated person, he is young man who has to lead his life ahead. He is ready and willing to abide by the conditions imposed by this Court and also ready to furnish surety to the satisfaction of this Court. The Respondent Police have already arrested the accused persons in this case. The Police have interrogated and completed the investigation. The accused is not required for further investigation. The informant was never admitted in the hospital and there is no danger to his life. He is leading a normal life. Hence, prayed to allow the petition.

4. For the said application the PP has filed objections reiterating the contents of the complaint and further contended that the offences alleged against the Petitioner are grievous in nature and punishable with life imprisonment. If the Petition is allowed, there is every chance of tampering the prosecution witnesses. The Petitioner/accused No.5 is involved in seven other cases punishable with Section 307, 392, 394, 341 324,

323, 504 & Section 25(B) of Arms Act at different Police Stations.

He is a rowdy-sheeter. If the Petition is allowed, there is every chance of his abscondance. Hence, prayed to dismiss the petition. Along with the objection PP has filed CD in this case.

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 Negative.

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

REASONS

7. The offences alleged against the Petitioner are under Section 307, 109 120(B) r/w Section 34 of IPC. In the present case, still the accused No.4 and 6 are absconding. As per the objection filed by the PP and the CD produced by the Prosecution, it is clear that accused is involved in other seven cases of different Police Station. This Court is of the view that

the accused is an habitual offender and he cannot claim innocence as claimed by the Petitioner in the present case. From the CD it is clear that the investigation is still at primary stage. If at this stage, this is allowed, there is every chance of tampering prosecution witnesses by the accused and also there is a chance of his abscondance. Under these circumstances, this Court is of the view that the accused is not entitled for bail at this stage. Hence, I answer Point No.1 in the Negative.

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

ORDER

The Petition filed by the Petitioner /accused No.5 Mani under Sec.439 Cr.P.C., is hereby dismissed.

[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 **25th 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

The Petition filed by the Petitioner /accused No.5 Mani
under Sec.439 Cr.P.C., is hereby dismissed.

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