

**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANAGARA**

: Present :

UMA.M.G., B.Com., LL.M.,
Prl. District and Sessions Judge,
Ramanagara.

Dated this the 23rd day of October 2019

Crl. Mis. No. 635/2019

- Petitioners/ A.1 and 2** : 1. Siddalingaswamy S/o. Somashekhar-
raiah, Aged about 25 years.
2. Somashekharraiah S/o. Late Veera-
bhadraiah, Aged about 45 years.

Both are R/o. Veeregowdanadoddi
Village, Madabal Hobli, Magadi Taluk,
Ramanagara District.

(Rep. by Sri. J.K.Rangaswamy,
Advocate)

- V/s. -

Respondent : State by Magadi P.S., Ramanagara
District.

(Rep. by Public Prosecutor, Ramanagara)

ORDERS

The Petitioners – Accused Nos.1 and 2 have filed this
petition U/Sec.438 of Cr.P.C. seeking conditional order of
anticipatory bail in Crime No.189/2019 of Magadi P.S., for

the offence punishable U/Sec. 323, 354(B), 504, 506 R/w. 34 of I.P.C..

2) Brief facts of the case :

Magadi Police registered Crime No. 189/2019 against Accused Nos. 1 and 2 for the offence punishable U/Sec.189/2019, for the offence punishable U/Sec. 323, 354(B), 504, 506 R/w. 34 of I.P.C. on the basis of the first information lodged by Smt.Neelamma.D.N.

3) The Informant filed the First Information with the police stating that on 16.09.2019 at 2.30 p.m. the Accused Nos. 1 and 2 suddenly picked up quarrel with the Informant, abused her in filthy language, pulled her sari and caused injuries on her body and thereby committed the offence as alleged. Hence she requested the police to initiate legal action against the Accused. Accordingly, the police have registered the case and took up investigation.

4) Learned Advocate for the Petitioners contended that these Petitioners are arrayed as Accused Nos. 1 and 2. They have not committed any offence as alleged. They are falsely implicated in the matter. There is inordinate delay in lodging the complaint. Even though the incident alleged to have taken place at 2.30 p.m. on 16.09.2019, the First Information was registered on 18.09.2019 at 2.00 p.m. Due to ill-will the Informant had lodged the First Information against the Accused without any basis. These Petitioners are not required for custodial

interrogation. The offences alleged are not punishable either with death or imprisonment for life. The Petitioners are the permanent residents of the address mentioned in the Petition and are ready to abide by any of the conditions that may be imposed by this Court. Hence, Petitioners are required to be granted conditional order of anticipatory bail, directing the police to release them on bail in the event of their arrest.

5) Learned Public Prosecutor filed his objections contending that serious allegations are made against the Petitioners for having committed the offence. The investigation is at the initial stage. These Petitioners are not co-operating with the Investigating Officer. The Petitioners are absconding since from the date of registration of the case. If these Petitioners were granted anticipatory bail, they may abscond or they may tamper with the prosecution witnesses or may commit similar offence. Therefore, he prays for dismissal of the petition

6) Heard learned Advocate for the Petitioners and learned Public Prosecutor.

7) Perused the materials on record.

8) The point that would arise for my consideration is as under :

“Whether the Petitioners are entitled for grant of anticipatory bail?”

9) My answer to the above point is in the '**Affirmative**'

for the following reasons.

REASONS

10) The materials placed before the Court disclose prima-facie materials against the Petitioners. At this stage it cannot be said that they are falsely implicated in the matter without any basis. The investigation is still at the initial stage.

11) The Petitioners are the permanent residents of Veeregowdanadoddi Village, Magadi Taluk of Ramanagara District and are ready to abide by any conditions that may be imposed by this Court.

12) The presence of the Petitioners if required, can be secured for the purpose of investigation even if they are granted anticipatory bail subject to conditions. Such conditions will take care of the apprehension expressed by the prosecution.

13) Hence, I answer the above point in the 'Affirmative' and proceed to pass the following :

ORDER

The petition filed U/Sec. 438 Cr.P.C. is hereby allowed.

The Petitioners – Accused Nos. 1 and 2 are ordered to be released on bail in the event of their arrest in Crime No.189/2019 of Magadi P.S., for the offence punishable U/Sec. 323, 354(B), 504, 506 R/w. 34 of I.P.C., on the following terms and conditions:

1. They shall execute personal bonds for Rs.50,000/- (Rupees Fifty Thousand only) each.
2. They shall furnish one surety each for the like sum for their due appearance.
3. They shall co-operate with the investigating officer, as and when required.
4. They shall not threaten or tamper with the prosecution witnesses.
5. They shall appear before the Investigating Officer, Magadi P.S., within two weeks from the date of this order.
6. They shall not commit similar offence.

(Dictated to the Judgment Writer, transcribed by him, corrected, signed and then pronounced by me in the open Court, on this the 23rd day of October 2019)

(UMA.M.G.)

Prl. District and Sessions Judge,
Ramanagara.

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