

**IN THE COURT OF THE XXVIII ADDL. CITY CIVIL &
SESSIONS JUDGE
Mayo Hall, Bengaluru, [CCH.NO.29]**

Present: - Smt. B.S. Bharathi, B.Sc., LL.B.

Dated: This the 19th day of March 2020

Crl.Misc.No.25185/2020

- Petitioners:**
- 1 Mohammed Arbaaz
S/o Mohammed Gatti Jabeer
Khureshi,
Aged about 25 years,
R/at No.10, Bandimoot,
Old Bamboo Bazaar Road,
Shivaji Nagar,
Bangalore-560 051.
 - 2 Ameen Shariff
S/o Late. Fayaz Sharieff,
Aged about 23 years,
C/o Surya's House,
Opposite Church
'C' Street, Opposite,
Military Gate
Beterhalli,
Benson Town,
Bengaluru.

(Pleader By : Sri. Anees Ali Khan, Adv.)

.. Vs ..

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

(By Public Prosecutor)

ORDERS

This petition is filed by the Petitioners 1 and 2 under Section 439 of Cr.P.C., praying for enlarging he on bail in Cr.No.8/2020 of Shivaji Nagara Police Station for the offence punishable under Section 506, 341, 34, 504, 307, 323, 324 of IPC.

2. According to the Petitioners, The respondent police on 15/02/2020 upon receipt of complaint from one Faisal khan registered a case in Cr.No.8/2020 for offence punishable under sections 506, 341, 34, 504, 307, 323 324 of IPC.

3. The complainant in his complaint has stated that on the midnight 12.00 of 14.02.2020 after having dinner came out of the house to smoke a cigarette and earlier too they had a quarrel, when the complainant was near slaughter house Arbaaz came along with Ameen and started quarrelling and abused the complainant and started searching the complainants pocket, the complainant removed the hand forcefully and pushed Arbaaz, and Arbaaz fell down, at that time Ameen caught hold of the

complainant. The complainant pushed them and tried to escape. Arbaaz with intention of killing, took out a knife and hit the complainant on the right side cheek and blood came out, Ameen took the knife from Arbaaz and hit with the handle of the knife on the head. The complainant fell down, Arbaaz threatened that he will not spare the complainant, if he lodges a complaint and kicked the complainant and went away. The complainant after sustaining the injury went back home and along with his mother went to Bowring Hospital and took treatment.

4. According to the petitioners they are innocent of the alleged the offence the ready to abide by any condition imposed by this court and prays for rejecting on bail application allowing the bail application on several other grounds.

5. P.P has filed objection to the petition contending the facts stated in the petition and stating that if the petitioners are released on bail and tamper the witness, and flee from the jurisdiction the court and prays for dismissing the petition on several other ground.

6. Heard, both the sides.

7. Basing on the above said facts, following points that arise for my consideration are:

“Whether the Petitioner has made-out ground for granting regular bail under Section 439 Cr.P.C.,?”

8. My findings on the above point is in the Affirmative for the following:-

REASONS

9. On perusal of the nature of the complaint it is clear that it alleged that these accused have assaulted complainant with knife. As per the report received from the police it is stated that the complainant is already discharged from the hospital. However considering the allegation against these accused that they have given threat to the complaint, stating that if the complainant gives complaint the accused will cut him in to pices, I fell that the petitioners have to be released by imposed the conditions. Hence I answer point No.1 in the Affirmative

10. In view of answering point No.1 in the

affirmative, I pass the following:

ORDER

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

The Petitioners are ordered to be released on bail on he executing personal bond for a sum of Rs.1,00,000/- with two solvent surety for the like sum to the satisfaction of the Court in Cr.No.8/2020 registered by the respondent police for the offence punishable under Section 506, 341, 34, 504, 307, 323 324 of IPC registered against he on the following conditions:-

i. The Petitioners shall co-operate with the Prosecution in the investigation and she shall not threaten the Prosecution witnesses.

ii. The Petitioners and surety shall produce their respective address proof and passport size photograph to the satisfaction of the Jurisdictional Magistrate.

iii. The Petitioners shall not repeat similar offences in future.

iv. The Petitioners shall appear before the I.O every week on a Sunday between 10-00 am to 2-00 pm till the filing of the final report or for a period of three months whichever is earlier.

v. The Petitioners shall appear before the Jurisdictional Court on all the hearing dates and shall not change the residence without the permission of the Jurisdictional Court.

[Dictated to the stenographer transcribed and typed by him and thereafterwards correct, signed and pronounced by me on 19th day of March 2020].

[B.S. Bharathi],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bengaluru.

Order pronounced in the open
Court (vide separate order)

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[B.S. Bharathi],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bengaluru.