

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL & SESSIONS
JUDGE, AT MAYO HALL, BENGALURU (CCH.20)**

Present:

Sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 9th day of June, 2020

Crl.Misc.No.25298/2020

Petitioner:-

2. Naveed Pasha,
S/o Basha Bahi
Aged about 38 years,
R/at No.131, 1st cross,
Venugopalaswamy Temple Street,
Anwr Layout,
Venkatshapuram,
Shampur Main Road,
Bengaluru-560045.

3. Sri. Sameer Pasha,
S/o Mahaboob Pasha,
Aged about 28 years,
R/at No.17, 1st cross,
Venugopalaswamy Temple Street,
Anwar layout,
Venkataeshwapuram,
Shampur Main Road,
Bengaluru-560045.

4. Sri. Nadeem Pasha,
S/o Basha Bhai,
Aged about 43 years,R/at No.131,

1st Cross,
Venugopalaswamy Temple Street,
Anwar Layout,Venkateshapuram,
Shampur Main Road,
Bengaluru-560045.

[By V.V.-Adv]

Vs.

Respondent:- State by K.G.Halli Police Station,
Bengaluru City

[By Public prosecutor]

ORDER

Petitioner Nos. 1 to 4 have filed this petition u/s 438 of the CRPC praying for granting an order of Anticipatory bail in Crime No.127/2020 of respondent Police station for the offences punishable u/s 143, 147, 148, 307, 504 506, 323, 149 of IPC. After filing the petition the petitioner No.1 has been arrested and hence the petition has not been pressed as against him.

2. Brief facts of the petition are as below:-

The informant Fairoz Pasha has lodged a false complaint against

petitioner Nos. 1 to 4 and accused No.3, 4 and 7. Petitioner No. 2 to 4 are arrayed in the FIR as accused No.2,5 and 6. They are innocent and no incident has taken place as alleged. The alleged injuries of the informant are simple in nature. Petitioners are law abiding citizens and they are ready to abide by any condition and furnish surety. If they are arrested, they being innocent of the alleged offences, they will be subjected to harassment and humiliation. Thus they have sought for allowing the petition.

3. The prosecution has filed objection reiterating FIR allegations and has contended that the investigation is still under progress and the injured is still taking treatment and CD is to be secured. In fact the prosecution has filed report of the IO. In the said report it is stated that there is tense situation in the area and if bail is granted, there is likelihood of the accused persons trying to revenge. They may abscond and impede arrest of the remaining accused persons. They may threaten witnesses and destroy prosecution evidence. Witnesses are yet to be examined. On the said grounds the prosecution and IO have sought for

rejecting the bail petition. In the IO's report it is stated that the injured is already discharged from hospital after treatment.

4. Heard arguments.

5. In the circumstances the following points arise for consideration:-

1. **Point No.1:** Whether the petitioner Nos.2 to 4 are entitled to an order of Anticipatory bail as sought for?

2. Point No.2: What Order?

6. My findings on the above points are as follows:-

Point No.1:- **In Affirmative.**

Point No.2:- As per final order

R E A S O N S

7. **Point No.1:-** Point No.1:- Petitioners have produced copy of FIR and their voter identity cards. I have perused the FIR and also the report

of the IO. From the same the prosecution case states that on 14.05.2020 at 7.30 PM, the sons - in - law of the informant namely Rihan and Imran were standing in front of his house along with their friend one Mujahid. At that point one girl who was going on a bike stopped and abused the above 3 persons alleging that they whistled at her and then she made a phone call. In a short time the accused No.1 to 7 and another came over to the spot along with some women and assaulted the sons- in-law and their friend with hands. When the informant went to their rescue, the accused No.1/Petitioner No.1 abused him and took out a long that was in his two wheeler and with the intension of committing murder, assaulted the informant and when the informant put forward his left hand to ward off the assault, he sustained injuries to his three middle fingers. The remaining accused persons assaulted the informant on his person with hands. When the neighbors came to pacify, the accused posed life threat and went away. The informant took treatment in the hospital and then submitted complaint.

From the above allegations it is seen that the alleged incident has taken place in connection with the sons-in-law of informant and their

friend allegedly eve teasing a girl. Apart from the same it is seen the informant - injured has not sustained any life threatening injuries and he has been discharged from the hospital. More importantly now the petition is subsisting only in respect of petitioner No.2 to 4 who are accused No.2, 5 and 6. The allegation in the FIR against accused No.2 to 8 is that they assaulted the informant with hands. Hence no intension on their part to commit murder of the informant is seen. There was no premeditation on their part to commit the offence. As no grave circumstances are forthcoming against accused No.2, 5 and 6/Petitioner Nos.2 to 4 and also apparently no serious injuries are caused, I am of opinion that if they are arrested they may be subjected to unnecessary humiliation, harassment and loss of reputation in society. Hence by imposing appropriate conditions to ensure that there is no impediment for investigation and threat to prosecution witnesses, I am of opinion that they may be admitted to an order of Anticipatory bail. Consequently point No.1 is answered in affirmative.

8. Point No.2: For above reasons I proceed to pass the following.

ORDER

Petition is allowed in respect of petitioner Nos. 2 to 4/Accused No. 2, 5 and 6 by granting an order of Anticipatory bail in respect of crime No. 127/2020 of the respondent Police Station on the following conditions.

1. Petitioners shall give attendance before the SHO/IO on every alternate Sunday for three months starting from the coming Sunday.
2. They shall not cause any threat to prosecution witnesses nor tamper with the prosecution evidence.
3. They shall not commit any offences again.
4. They shall co-operate in the investigation of the case.

Subject to above conditions if the respondent Police arrest the petitioner Nos.2 to 4 in the above crime number of their station, it is ordered that they shall be released forthwith, if they furnish personal

bond for Rs.50,000/- each and one surety in likesum.

(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me in the open court on this the **9th day of June, 2020**)

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(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.