

KAMS010001562022



**IN THE COURT OF THE III ADDL SESSIONS JUDGE,
MYSURU**

Present : **Sri. Gururaj Somakkalavar, M.A., LL.B.,**
III Additional Sessions Judge, Mysuru.

SC/3/2022

Dated this the 21st day of July 2025

Complainant:

State by Vidyaranyapuram Police Station,
reptd. By Public Prosecutor, Mysuru
District, Mysuru.

/vs/

Accused No.1:

Syfuddin Miya @ bappi S/o Shafiulla Isam,
Aged about 24 years, R/at Bambay Vasayi
Village, Near Water Tank Hut. Permanent
Address: Kalingar Village, Bedarabad Post,
Byshnab Nagar Taluk, Malda District, West
Bengal State.

Order on bail application filed by the accused No.1

U/s 439 of Cr.P.C.

The accused No.1 has filed the bail application U/s 439 of Cr.P.C stating that the complainant police have registered a case against him and other accused for the offences

punishable U/s 114, 115, 120(B), 216(A), 342, 394, 396, 399, 449 of IPC & Sec.25, 25(1B), 27(1) of Indian Arms Act 1959 in their Cr.No.70/2021.

As the charge sheet has been filed, the case has been committed to this Court, it is now numbered before this Court as SC.No.3/2022. The alleged offences are non-bailable in nature. This accused No.1 has been in judicial custody. He has further stated that he is innocent and law abiding citizen and he is from respectable family. He has not committed any offences as alleged by the complainant police. The police have registered a false case against him. The alleged offences are not punishable with imprisonment for life or death penalty. He is in JC. He is having wife, children and aged parents and he is the sole bread earner of his family. He is the permanent resident of Bengaluru City. Further, he undertakes to appear before the Court on all hearing dates and ready to abide by the conditions imposed by this Court and ready to furnish surety. Hence prayed to allowed the application.

2. The PP filed objections by reiterating the complaint averments and contended that after committing the offence this accused has been absconded. The IO arrested him and seized documents, mobiles and bank challans and residency lodge receipts, CCTV DVR etc. The said DVR has sent to FSL and secured audio and video reports. The IO has secured the bullet which was fired by the accused to the deceased and

sent the same to FSL and secured report. The IO has seized one shirt. The statement of witnesses recorded U/s 164 and 161 of Cr.P.C. Further stated that the accused is a habitual offender and was in JC in committing similar offences and he was convicted in some other cases. The accused has no house and has no permanent address and he is from out of state. At this stage, if the accused is released on bail, he may threaten the prosecution witnesses, and may commit similar offences and may abscond. Hence, prayed to dismiss the application.

3. Heard the argument of both side.

4. Now the points that arise for my consideration is:-

1. Whether the accused No.1 has made out grounds to allow the present application?

2. What order?

5. My answers to the above points are as follows:-

Point No.1 : In the **Negative**.

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

REASONS

POINT NO.1:

6. The police filed the charge sheet against accused No.1 to 9 for the offences punishable U/s 114, 115, 120(B), 216(A), 342, 394, 396, 399, 449 of IPC and Sec.25(1b), 27(1) of Indian Arms Act, 1959.

7. The prosecution case is that as per the statement given by the injured/complainant by name S.Dharmender at Ramakrishna Hospital, Mysuru, on 23/08/2021 when he was in his jewellery shop, at about 5.00 p.m, one unknown person entered into the shop and asked for a bracelet in Urdu language. When he was showing bracelet box to him, other two persons entered in the shop, 2 to 3 persons who came with them were standing at the outside of the shop, among them, one person pulled down the rolling shutter of the shop from the inside, one person heavily assaulted him, another person pointed a pistol at his head, immediately others tied his legs and hands with the rope and stuffed cloth into his mouth and then robbed all gold and silver jewels from his shop. By that time, his uncle asked him to open the door as the customer is waiting outside, by standing outside the shop. By that time, all the persons who were inside the shop pulled the shutter and ran away. By that time, he heard the sound of pistol and also screaming of a person. Thereafter, his uncle and mother removed the cloth from his mouth and

also untied him. Then they came out of the shop and saw that one customer was lying in front of his shop with bleeding. He came to know his name was Chandru. Later, the public shifted the said Chandru to the hospital. He also got admitted to the hospital. He came to know that the said Chandru i.e. the customer died due to shoot out. He had seen the persons who had robbed his shop. The same had been recorded in the CC camera of his shop. With these allegation charge sheet is filed against accused No.1 and other accused.

8. During the investigation the accused No.1 herein is arrested and remanded to judicial custody. Earlier the accused No.1 has filed bail application, the same got rejected by this court through order dated:14.12.2023. This present application is a successive application.

9. After hearing the argument and giving thoughtful consideration and material on record it reveals that, accused No.1 herein is charge sheeted for the offence of dacoity with murder and he also alleged with offences under Arms Act. If the allegations against the accused No.1 is looked into he is the prime accused in the present case. He along with accused No.2 and other accused conspired the alleged offence. They have prepared for dacoity and executed the same. They robbed gold and silver articles from Amruth Gold and Silver Jewellery shop. It is alleged against accused No.1 that, he has assaulted C.W-1 and while dacoity accused No.1 shoot deceased Chandru with pistol and committed murder of

deceased Chandru. After that, he took away all the jewelries and cash, after selling of those gold and silver got transferred amount to his relative's account. All the incident is recorded in the CC footage and there is clear evidence of the involvement of accused No.1 in the alleged offence. It is the relevant to note here that, all these accused have planed the dacoity and executed the same. In the meanwhile, due to the act of the accused No.1 deceased Chandru died, who is nowhere connected to the alleged incident. There is sufficient evidence against accused No.1 that he is involved in the alleged offence. This accused No.1 is resident of West Bengal State. He has been arrested while he was escaping from Mumbai to Kolkata. After arrest, the records pertinent to transfer of amount to the account of relatives are seized.

From the records it appears that, this accused No.1 is not resident of Mysuru, he has came to Mysuru along with other accused with intention to commit dacoity. It is also reveals from the records that, this accused is also involved in other cases. There are serious allegations against accused No.1. That apart in this present case the other accused No.4, 6, 9 are absconding and could not be traced. Hence, charge sheet is filed case against accused No.6 & 9 is split up. The case is set for trial. All these accused belongs to different state. The accused No.3 is absconded when he was released on interim bail. Now, he is traced back on execution of warrant by Hon'ble High Court of Karnataka. It is relevant to note that,

this accused No.1 is the resident of West Bengal, if he is released on bail, he will abscond from the jurisdiction. The same will hamper the trial and the case will not reach logical end. The offence alleged against the accused No.1 are punishable with death or imprisonment for life or regress imprisonment for a term which may extend to 10 years. Considering the nature of the allegations against accused No.1 and the facts and circumstances of the case accused No.1 is not entitle for bail. It is also pertinent to note that, since there is serious allegation against the accused No.1 threatening and tamping the witnesses can not be ruled out. Hence, this court is of the view that, accused No.1 has not made out grounds to allow the application. In result the bail application deserves to be rejected. Hence, I answer point No.1 in the **Negative**.

POINT NO.2:

10. In the result, I proceed to pass the following:-

ORDER

The bail application filed by the accused No.1 U/s 439 Cr.P.C., is hereby **rejected**.

(Dictated to the Stenographer directly on computer and then pronounced in the open court on this the 21st day of July 2025)

(Gururaj Somakkalavar)
III Addl.District & Sessions Judge
Mysuru.