

KAMS010050502024



IN THE COURT OF THE IV ADDL. DISTRICT & SESSIONS
JUDGE: MYSURU.

DATED THIS THE 23rd DAY OF January 2026

PRESENT

SRI. P.J.SOMASHEKAR, B.A.,L.L.M.,
IV ADDL. DISTRICT & SESSIONS JUDGE:
MYSURU.

SC/144/2024

Complainant : The State by Mandi Police
Station, Mysuru City.
(By **Learned Public Prosecutor**)
Versus

Accused
persons : 1. Sri Junaid S/o Kisar Pasha,
Aged about 21 years,
Residing at
No.2628, Erekatte street, Lashkar
Mohalla, Mysuru city.

2. Mohinsin S/o Abdul Jabbar Khan,
Aged about 22 years,
residing at:
No.2003, Turab Ali street,
Mandi Mohalla,
Mysuru city.

(By Sri Raghavendra.E-Adv.,)

ORDER ON BAIL PETITION FILED
U/SEC.439 of CR.P.C

This is a bail petition U/Sec. 439 of of Cr.P.C filed by the Accused No.1 and 2 and sought for release them on Bail in S.C.No.20/2024 Crime No.42/2021 of Mandi Police Station for the offences punishable U/Sec.323, 324, 326, 307 R/w 34 of IPC.

2. Nutshell of the petition are as under:

The learned counsel for the Accused No.1 and 2 in the bail petition has alleged that the Complainant Police have registered the case against the Accusedpersons for the offences punishable U/Sec.323, 324, 326, 307 R/w 34 of IPC. and the case has been committed to this court by the principal 1st Civil Judge and JMFC at Mysuru on 13.06.2024 and after receipt of the entire records re-registering the case by this court and ordered for issue summons to the accused persons on 11.07.2024 and the summons was duly served on the accused but unable to attend before the court due to mis communication, thereby NBW issued against the accused to secure the presence of the accused. The accused persons

were already taken the bail from the High Court of Karnataka in Crl.petition No.4262/2021 on 09.08.2021 and the accused persons were already comply the orders and they are the innocent of the alleged offences leveled against them and they have not at all committed the offences which alleged against them and they are ready to willing to abide by the terms and condition of this court in the event of granting the bail and the offences which alleged neither death nor the life and prays for allow the bail petition.

3. The learned public prosecutor filed objections stating that the bail petition which filed is not maintainable in law or on facts and the offences which alleged against the accused for the offence punishable U/s 307 of IPC imprisonment for 10 years with fine triable by this court and there is a prima facie materials to believe the guilt of the accused and the accused persons though released on bail and after committing the case to this court they have violated the court order and the NBW has been issued in the year 2024 now the accused were voluntarily appeared and remanded to judicial custody, so question of releasing them on bail does

not arise if the accused persons were released on bail there is a chances of tamper and hamper the prosecution witnesses and there is a chances of absconding from the jurisdiction of the court and prays for reject the bail petition.

4. Heard the arguments on both side.
5. The points that arise for Court consideration are:
 1. Whether the Accused are entitle the bail as sought for at this stage ?
 2. What Order?

6. My answer to the aforesaid points are:

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

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

::REASONS::

7. **Point No.1** : Before embarking on point No.1 it is just and necessary to narrate the gist of the case for the proper appreciation of the point No.1. As the complainant Mohammed Jebi Ulla Khan S/o Mohammed Ghouse Khan, 18 years, house NO.2688, 4th cross, MKDK road Mandi Mohalla, Mysuru town stating that he has installed 8 computers in the

house and allowed the persons who were playing the game in the said computers by paying Rs.10 per hour about 6 months back when he was playing the game and heard the quarrel in front of computer center and noticed the quarrel with known person Sadiq and Paharn thereby he has intervened trying to rescue them at that time the brother of Paharn namely Junaid assaulted him and he has assaulted Paharn and Junaid in his hands, thereby they were threatened in almost 10-15 times on the ground of assault. On 11.05.2021 at 10.30 p.m., himself Sadiq and Mujju were sitting in front of Gujar shop belongs to Hivayath MKDK road Mandi Mohalla, Junaid and others were came in a Access Scooter and stopped the vehicle and getting down and assaulted on his face and he has also assaulted Junaid on his face in his hands and his friends were rescued them while leaving the spot Junaid has threatened to take away his life when all of them were proceeding by walk reached Sultan park Sadiq, Muhis and Hurbas were met them and when they were proceedings towards hospital at about 11.30 p.m., heard the sound and when they were turned back Mosin with an intention to kill

him thrown the long towards his neck and he has escaped from the said blow and Mosin trying to assault him by means of long and he was holding his right hand and he has thrown the long towards his left neck thereby he has crossed his left hand and the said blow touched his left hand and blood was oozing and Junaid stabbed by means of knife on his left elbow, and left waist and Paharn assaulted by means of iron rod on his right knee and all of them were assaulted in their hands Salman and others were rescued them and took him to Ul anser Hospital because of non availability of the bed shifted to Prajwal hospital where in also bed was not available and treatment has not given, thus he has been shifted to K.R.Hospital and took the treatment. So based on the said complaint case came to be registered and the accused No.1 and 2 got obtained the order from the Hon'ble High court and released on bail the court below committed this case to this court inspite of service of summons they did not appear, that is the reason why NBW was ordered to be issued against the accused and the accused persons voluntarily appeared before the court and they have been remanded to judicial custody.

Now the accused persons were filed the instant bail petition.

8. The learned counsel for the Accused in his arguments has submitted that, the Accused are the innocent and law abiding citizens and they have not at all committed the offences which alleged against them, but falsely implicated only with an intention to harass the Accused and the offences which alleged against the Accused though non-bailable in nature, but the same are not punishable either life nor death which are imprisonment less than 10 years and the FIR and the complaint do not attract the case against the Accused and the Accused are in the judicial custody and prays for allow the bail application.

9. Per contra, the learned Public Prosecutor in her arguments has submitted that the bail petition which filed is not maintainable either in law or on facts, if the averments of complaint and other materials on record are taken into consideration that there are reasonable grounds to believe the guilt of the Accused and If the Accused are released on bail, there is chances of the tamper or hamper the

prosecution witnesses and prays for reject the bail petition.

10. It is an admitted fact, the Complainant Police have registered the case against the Accused in their Police Station Cr.No.42/2021 for the offences punishable U/Sec.323, 324, 326, 307 R/w 34 of IPC and the charge-sheet has been filed against the accused and the accused persons were released on bail as per the orders of the Hon'ble High Court of Karnataka in Criminal petition No.4262/2021 and the court below committed this case to this court and after receipt of entire record ordered for issue summons to the accused, in response of the summons did not appear thereby NBW was issued against the accused and they have voluntarily appeared before the court and remanded to judicial custody. Now the accused No.1 and 2 are in the Judicial custody.

11. Now, the Accused No.1 and 2 have come up with the instant bail petition on the ground that they were unaware of the summons and no intimation from the previous counsel and non appearance before the court is only bonafide one not intentional. So the materials reveals that the accused

No.1 and 2 got released on bail as per the orders of the Hon'ble High court because of non appearance before the court NBW has been issued and they have been appeared before the court and remanded to judicial custody. Thus considering the grounds which urged in the bail petition and the release of the accused in the crime stage it is just and necessary to allow the bail application by imposing conditions it will meet the ends of justice. Hence, I am of the opinion that the ***Point No.1*** is answered in the ***Affirmative***.

12. **Point No.2** : In view of my answer to the Point No.1 as stated above, I proceed to pass the following;

ORDER

The Bail Petition filed U/Sec.439 of Cr.P.C., by the Accused No.1 and 2 is hereby ***Allowed***, the Accused No.1 and 2 shall be released on bail in Cr.No. 42/2021 of Mandi Police Station in SC No.144/2024 for the offences punishable U/Sec.323, 324, 326, 307 R/w 34 of IPC. on executing personal bond for Rs.1,00,000/- (Rupees One Lakh only) each with surety like sum with the following:

:CONDITIONS:

1. The Accused No.1 and 2 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
2. The Accused No.1 and 2 shall not indulge in similar offence in future, if any of the Police in the jurisdiction of Mysuru reported, the bail order stands cancelled.
5. The Accused No.1 and 2 shall attend the Court on all the dates of hearing without fail.
6. In the event of violation of any of the condition, the bail granted to the Accused No.1 and 2 shall automatically stands cancelled.

(Dictated to the Stenographer Grade-III directly on computer, and then corrected and pronounced by me in the Open Court, on this the 23rd **day of January 2026**)

(P.J. Somashekar)

IV Addl. District & Sessions Judge,
Mysuru