

**IN THE COURT OF THE PRINCIPAL DISTRICT AND  
SESSIONS JUDGE AT MYSURU**

**Dated this the 4<sup>th</sup> day of November, 2019**

**PRESENT: Sri. S.K.Vantigodi, B.A., LL.B. (Spl.),  
Prl.District & Sessions Judge,  
Mysuru.**

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**SPECIAL CASE No.366/2019**

**Complainant:** State by Udupi Town Police Station.

**Vs.**

**Accused:** Rajendra Kumar.S.V. and others.

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**Accused No.2:** **Shashi Poojari @ Shadow @ Shashikumar** S/o Vijay A. Ameen, Aged about 28 years, Presently R/at 11<sup>th</sup> Main Road, 9<sup>th</sup> Cross, 2<sup>nd</sup> Stage, J.P.Nagar, Bengaluru.

**Accused No.3:** **Dhanraj V. Kotyan @ Dhanraj Poojari @ Dhanraj @ Rock** S/o late Virendra Kumar, aged about 26 years, Presently R/at Ashraya Nilaya, Forest Gate, Near Katapadi, Yenagudde Village, Udupi Taluk and also at Sree Sai House, Matadhangadi, Udyavara.

**Accused No.4:** **Ravichandra Poojari @ Vikki Poojari** S/o Vijay A. Ameen, Aged about 30 years, Presently R/at 11<sup>th</sup> Main Road, 9<sup>th</sup> Cross, 2<sup>nd</sup> Stage, J.P.Nagar, Bengaluru.

**Accused No.5:** **Dhanraj Salyan @ Dhanu Kola** S/o Raghu Salyan, aged about 30 years,

R/at Umavathi Nilaya, Near  
Yashaswini Ice Plant, Kola, Malpe,  
Kodavuru Village, Udupi Taluk.

**Accused No.6:**

**Ullas Shenoy @ Ullas** S/o  
Vishwanath Shenoy, aged about 27  
years, Residing near Government PU  
College, Near Narayana Guru Billava  
Samaja Seva Samithi, Malpe.

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**ORDERS ON BAIL APPLICATION FILED ON BEHALF  
OF ACCUSED No.2 to 6**

This is an application filed under Section 439 of Cr.P.C., on behalf of accused No.2 to 6 praying to grant regular bail.

2. It is contended in the application that, on the basis of the complaint given by one Rathnakar D. Shetty, Brahmavara Police have registered a case in Crime No.25/2019 against unknown persons, for the offences punishable under Section 507, 504, 385 and 506 of I.P.C. It is alleged in the complaint that, on 13.03.2019 at about 12 p.m., 3 calls had come to his Mobile No.9448888388 from the Mobile No.9742477467. When he received the call, the person who called him had scolded him by saying that 'why you are not receiving my call, I will cut the head of you and your son" in Thulu language and also scolded in filthy language. Once again at 12.20 p.m., said person called and demanded him to pay the money and if he fails to pay the money, he will kill his son.

Later, Brahmavara Police transferred the said case to Udupi Town Police Station on the point of jurisdiction. During

investigation, the complainant/Police arrested the accused and also registered the case for offences under KCOCA Act.

It is further contended that, accused No.2 to 6 are innocent and law abiding citizens and they have not committed any such offence as alleged against them. They have been falsely implicated in the case with an intention to spoil their reputation in the eye of public. They hail from respectable families and have got wife, children and aged parents. They also got movable and immovable properties. There is no clinching evidence to connect these accused to the alleged crime. The phone number mentioned in the complaint does not belong to any of these accused persons. The complainant/police have created and concocted the false documents and evidence. There is no material for the offence punishable under KCOCA Act. The alleged offences are not punishable with death or imprisonment for life and triable by the Special Court. Since the investigation is completed, the accused are not required for further investigation. They are ready to abide by any conditions imposed by this Court and furnish surety. Hence, prayed to grant him bail.

3. On the other hand, the learned Public Prosecutor has filed objections, contending that the application is not maintainable in the eye of law and facts. Reiterating the averments of complaint, it is contended that, after completing investigation, the Investigating Officer has filed charge-sheet against the accused. There are prima facie materials to show that the accused have committed the alleged offences, which are heinous and anti-social. The accused are habitual offenders and are rowdy

elements. If these accused are granted bail, there is every likelihood of threatening the witnesses, absconding and tampering the evidence. Hence, prayed to reject the application.

4. Heard arguments of the learned Counsel for accused No.2 to 6 as well as the learned Public Prosecutor for State. Perused the records.

5. The only points that arise for my consideration are:

**1. Whether the bail application filed on behalf of accused No.2 to 6 is fit to be allowed ?**

**2. What order ?**

6. My findings on the above points are as under:

Point No.(1) :: In the **Negative**,

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

### **REASONS**

7. **Point No.1:**

Perused the contents of bail application, objections and other materials placed on record.

8. It appears from the records that, the complainant/Police, after completing investigation, filed Charge-sheet against accused No.1 to 6, for the offences punishable under Section 384, 387, 504, 506, 507, 120(B), 109 and 201 r/w Section 34 of I.P.C. and Section 3(1) (ii), 3(2), 3(4) and 3(5) of KCOCA Act, 2000.

9. It is pertinent to note here that, accused No.2 to 6 have moved this application when the case was at the crime stage. As of now, investigation is completed and charge-sheet is filed against the accused. Further, it is noticed that the offences alleged against the accused are heinous and anti-social in nature. The allegations made in the complaint are grave. It reflects from the records that, accused No.1 being the group leader and accused No.2 to 6 being the members of Crime Syndicate, indulged in extortion of money illegally from the rich people, by putting them under threat and accordingly, between February and August 2018, accused No.1 alleged to have called the complainant over his Mobile No. 9448888388 by Mobile No.9964917807 and collected a total sum of Rs.15,00,000/- (Rs.5,00,000/- each on 3 occasions) through his Associates in the house of complainant. Later on coming to know about the sale of 2 acres 43 cents land in Sy.No.126 situated at Kalsanka of Shivalli Village in favour of C.W.59 for a sum of Rs.25 Crores, accused No.1 again demanded Haftha amount of Rs.25 Lakhs by calling the complainant over said Mobile and collected the same through his Associates in the house of complainant. Later on 11.03.2019, when accused No.1 called the complainant over his Mobile for the Haftha amount, the complainant did not receive the said call, and then again on 13.03.2019, accused No.1 through accused No.2 made a call to the complainant and demanded for money by giving him life threat.

10. Further, the records reveal that, all these accused are notorious criminals and they are involved in several other cases and they are close associates of accused No.1 Rajendra

Kumar.S.V., who is the leader of Crime Syndicate. Though investigation is completed and charge-sheet has been filed, since these accused are involved in several other offences under I.P.C. as well as KCOCA Act, it is not safe release them on bail. The trial of the case is yet to be commenced. Further, no special grounds are made out by accused No.2 to 6 to grant bail in their favour. If they are released on bail, there is every likelihood of threatening the witnesses, jumping bail and committing similar offences.

11. Learned Counsel for accused No.2 to 6, during the course of arguments, submitted that since investigation is completed and charge-sheet already filed, these accused are not required for custodial interrogation and they undertake to abide by all the conditions imposed by this Court and furnish surety. He further submits that accused No.6 is suffering from illness. In support of his arguments, he has produced the Discharge Summary along with Scan Report, which reflects that accused No.6 has been admitted to Dr.TMA Pai Hospital, Udipi on 19.03.2019 and discharged on 22.03.2019. But, I am not inclined to accept the arguments advanced by learned counsel for these accused, for the reason that, the offences alleged against the accused are grave and anti-social, especially the offences under KCOCA Act are grave. Only for the reason investigation is completed and charge-sheet filed, the accused are not entitled to seek bail as of right.

12. So, considering all these aspects and gravity of offences alleged, I am of the view that, the bail application filed on behalf of accused No.2 to 6 does not deserve any consideration at this

stage. Hence, there are no special grounds made out by these accused to admit them on bail. Accordingly, I answer point No.1 in the **negative**.

13. **Point No.2:**

In the result, I proceed to pass the following:

**ORDER**

**The bail application filed under Section 439 of Cr.P.C., on behalf of accused No.2 to 6, is hereby dismissed.**

( Typed to my on-line dictation by the Judgment Writer on Computer and after corrections, signed & pronounced by me in open Court on this the **4<sup>th</sup> day of November, 2019.** )

**( S.K.Vantigodi )**  
Prl. District & Sessions Judge,  
Mysuru.

