

**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 3rd day of March 2020

Crl.Misc.No.25153/2020

Petitioner: Sri. Harish.S,
S/o Late Sanna Narasaiah,
Aged about 32 years,
R/at No.164, 2nd Cross,
E-Block, Church Street,
Lingarajapuram,
Bengaluru North,
Bangalore-560 084.

(Pleader By : M/s Legal-1)

.. Vs ..

Respondent: State by
Ramamurthy Nagar Police Station,
Bangalore.

(By Public Prosecutor)

ORDERS

This petition is filed by the Petitioner under Section 438 of Cr.P.C., praying for enlarging him on anticipatory bail in Cr.No.65/2020 of Ramamurthy Nagar Police Station for the offences punishable under Section 41 CL

(D), 102 Cr.PC r/w Section 379 of IPC.

2. According to the Petitioner, the Respondent Police have registered case in Cr.No.65/2020 on 12.2.2020 for the offence punishable under Section 41 CL (D), 102 Cr.PC r/w Section 379 of IPC on the report given by the ASI Sri. Firoz Khan at Ramamurthy Nagar Police Station, as per the report stating that on 12.2.2020 at about 8.30 p.m., in the morning the Complainant the Station House Officer had appointed the Complainant and other constables by name Raju, Venkataraju, Manjunath for beat duty. As per the instructions of SHO when they were on duty they met informer and he stated that unknown person had has parked a car and is watching the car and after that the informer went away and when they reached the place the person try to take the car and escape. They surrounded the car and enquired about the car and the person. The said person did not gave any proper answer and thinking that it is a stolen car and they took it to Ramamurthy Nagar Police Station and produced in front

of Dr. M. Govindaraj, PSI and registered case in Cr.No.65/2020 for the offence under Section 41 CL (D), 102 Cr.PC r/w Section 379 of IPC.

4. According to the Petitioner, a false case is registered against the Petitioner. Initially police have filed FIR against the accused No.1 later on the police filed remand application and implicated this Petitioner's name in the remand application as accused No.3. The Petitioner is nowhere involved in not illegal transactions. He is innocent of the offences alleged against him. He is ready to abide by any conditions imposed by this Court. Hence, prays for allowing the petition.

5. The Prosecution has filed objections to this petition contending the facts stated in the complaint and also stated that if the accused is released on bail he may tamper the witnesses and abscond from the jurisdiction of the Court and prays for dismissing the petition on several other grounds.

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 anticipatory bail under Section 438 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 offences alleged against the Petitioner, it is clear that the offences are not punishable with death or imprisonment for life. As argued by the Advocate for the Petitioner, this Petitioner is arrayed as accused No.3 in the remand application. The accused No.1 is already arrested and released on bail. This Petitioner is ready to abide by any conditions imposed by this Court and therefore, I feel that Petitioner has to be released on bail by imposing conditions to cover the apprehension of the PP. 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.438 Cr.P.C., is allowed.

The Petitioner is ordered to be released on bail on his executing personal bond for a sum of Rs.1,00,000/- with one surety for the like sum in the event of his arrest by the respondent police in Cr.No.65/2020 for the offences punishable under Section 41 CL (D), 102 Cr.PC r/w Section 379 of IPC registered against him on the following conditions:-

i. The Petitioner shall surrender before the Jurisdictional Court within a period of one month and furnish the bail and surety as per this order.

ii. The Petitioner shall not threaten the complainant and shall not tamper the prosecution witnesses directly or indirectly.

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

iv. The Petitioner shall produce his passport size photograph with the address proof and also of the surety to the satisfaction of the Jurisdictional Magistrate and the I.O.

v. The Petitioner shall appear before the I.O once in 15 days preferably on a Sunday between 10-00 am to 2-00 pm till the filing of the final report or for the period of three months whichever is earlier.

[Dictated to the Stenographer on 3.3.2020 thereafterwards, the same was transcribed and typed by her and the same was correct, signed and pronounced by me on 3rd day of March 2020].

[B.S. Bharathi],

XXVIII. Addl. City Civil Judge,
Mayo hall, Bengaluru.

Orders pronounced in open court
as under (vide separately):-

ORDER

The Petition filed by the Petitioner under Sec.438 Cr.P.C., is allowed.

The Petitioner is ordered to be released on bail on his executing personal bond for a sum of Rs.1,00,000/- with one surety for the like sum in the event of his arrest by the respondent police in Cr.No.65/2020 for the offences punishable under Section 41 CL (D), 102 Cr.PC r/w Section 379 of IPC registered against him on the following conditions:-

v. The Petitioner shall surrender before the Jurisdictional Court within a period of one month and furnish the bail and surety as per this order.

vi. The Petitioner shall not threaten the complainant and shall not tamper the prosecution witnesses directly or indirectly.

vii. The Petitioner shall not repeat similar offences in future.

viii. The Petitioner shall produce his passport size photograph with the address proof and also of the surety to the satisfaction of the Jurisdictional Magistrate and the I.O.

v. The Petitioner shall appear before the I.O once in 15 days preferably on a Sunday between 10-00 am to 2-00 pm till the filing of the final report or for the period of three months whichever is earlier.

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

