

**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 14th day of February 2020

Crl.Misc.No.25129/2020

- Petitioners:**
1. Johnson,
Son of Clement,
Aged about 24 years,
Residing at No.5,
2nd Cross, Teacher Colony,
Parvathinagar, Medahalli,
K.R.Puram, Bangalore-49.
 2. Rajesh,
Son of Shivakumara,
Aged about 25 years,
Residing at No.23,
Parappa Field Grape Garden,
Neelasandra,
Bangalore-47.

(Pleader By : Sri. T.G. Suresh)

.. Vs ..

Respondent: The State of Karnataka by
Ramamurthynagar Police Station,
Bengaluru.

(By Public Prosecutor)

ORDERS

This is a Petition filed by the Petitioners under Sec.439 of Cr.P.C., praying to release them on regular bail in connection with Cr.No.58/2020 registered by the Respondent police for the offences punishable under Sec.399 & 402 of IPC.

2. According to the Petitioner, the Complainant by name Sri. Fairoze Khan, ASI, Ramamurthynagar Police Station, Bengaluru, on 10.2.2020 at about 19.00 hours the Complainant while he was in the Police Station received information that 4-5 unknown persons by holding deadly weapons and discussing to commit robbery at Railway Parellel Road, Kasturinagar, Bangalore. When the Complainant along with staff reached the spot and noticed the movements and apprehended two persons and three persons ran away from the spot and recovered the weapons from their custody and sought for an police action against them. Basing on the complaint, the Respondent Police registered case in Cr.No.58/2020.

3. According to the Petitioners, they are innocent of the alleged offences and they are ready to abide by the conditions imposed by this Court. Hence, prays for allowing the petition on several other grounds.

4. The Prosecution has filed objections to this petition stating that if they are released on bail they may commit similar type of offences and they may tamper the witnesses and abscond from the jurisdiction of the Court and prays for dismissing the petition on several other grounds.

5. Heard, both the sides.

6. Basing on the above said facts, following points that arise for my consideration are:

“Whether the Petitioners have made out ground for granting regular bail under Section 439 Cr.P.C.,?”

7. My findings on the above point is in the Affirmative for the following:-

REASONS

8. On perusal of the offences alleged against the Petitioners, it is clear that they are not punishable with death or imprisonment for life. According to these Petitioners they are innocent of the alleged offences, the Petitioners are ready to abide by any condition imposed by this Court and hence, I feel that the apprehension of the Prosecution can be covered by imposing conditions. Hence, I answer point No.1 in the Affirmative.

9. In view of answering Point No.1 in the affirmative, I pass the following:

ORDER

The Petition filed by the Petitioners under Sec.439 Cr.P.C., is allowed.

The Petitioners are ordered to be released on bail in Cr.No.58/2020 of the respondent police for the offences punishable under Section 399 and 402 of IPC., on executing a bail bond of Rs.1,00,000/- each with one surety for the like sum to the satisfaction of the Jurisdictional Magistrate on the following conditions:-

i. The Petitioners shall co-operate with the Prosecution in the investigation and they shall not threaten the Prosecution witnesses.

ii. The Petitioners and surety shall produce their respective address proof and passport size photograph to the satisfaction of the Jurisdictional Magistrate.

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

iv. The Petitioners shall appear before the I.O every week on a Sunday between 10-00 am to 2-00 pm till the filing of the final report or for a period of three months whichever is earlier.

v. The Petitioners shall appear before the Jurisdictional Court on all the hearing dates and shall not change the residence without the permission of the Jurisdictional Court.

[Dictated to the Stenographer on 14.2.2020 in the open Court by pronouncing the same in the open Court and thereafterwards, the same was transcribed and typed by the Stenographer and thereafterwards I have corrected, signed on **14th day of February 2020**].

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

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

ORDER

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

