

**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.25108/2020

Petitioner: Abdul Sulaiman @ S. Sulaiman
@ Reyan,
Son of Shaik Khamruddin,
Aged about 25 years,
Residing at No.50/2,
1st Main, 5th Cross,
Near Badrul Uloom Masjid,
Ookalipuram, Rajajinagar,
Bangalore.

(Pleader By : Sri. Nagaraja K.R)

.. Vs ..

Respondent: The State of Karnataka by
K.R. Puram Police Station,
Bengaluru.

(By Public Prosecutor)

ORDERS

This is a Petition filed by the Petitioner under
Sec.439 of Cr.P.C., praying to release him on regular bail
in connection with Cr.No.660/2019 registered by the

respondent police for the offence punishable under Sec.397 of IPC.

2. According to the Petitioner, the Complainant lodged complaint stating that he is a Software Engineer and working at Manyatha Tech Park. On 3.10.2019 after his work, when he was waiting near the Krishnarajapuram bus stand to go to his house by that time one grey colour Indica car and three persons were in the car and they have enquired with the Complainant to drop, by that time the Complainant told that he has to go to Kolar and further enquired the charges. They told that it is Rs.100/- for which the Complainant told that he will pay only Rs.50/- and Complainant sat in the car and went away. After passing of the few distance, the driver of the car has taken U-turn towards Bangalore and when the Complainant enquired, they told that one of their friend was waiting near the factory and they intend to pick up near bridge. The front seat inmate of the car folded his seat on the back and started giving problem to the Complainant, abused him in filthy

language, showing the pistol, knife and collected Rs.400/- from his pant pocket, collected mobile, bag and they all asked how much amount in his card and used to assault him. They forcibly transferred the amount to their account for a sum of Rs.37,000/-. Apart from this they forcibly threatened him to transfer the amount from his friend account also, for which Complainant friend replied that he do not have money in his bank account. By that time the car was on Mysore road and it was around 1.15 a.m., and they all threatened the Complainant not to cheer. The Bidadi Police have enquired the driver of the car, for which driver replied that they are going to Mysore. The Complainant cheered for help of police by calling sir, sir. By that time the driver of the car started moving, the Bidadi police have broken the car glass and saved the life by collecting all items from the accused and hence he has given complaint.

3. Basing on the said complaint police have registered case in Cr.No.293/2019 for the offence

punishable under Section 397 of IPC. The place of occurrence has been within the limits of Krishnarajapuram Police Station, hence the Bidadi police have filed a request memo to transfer the case before the Respondent Police. After receipt of the transfer of case, the Respondent police have registered case in Cr.No.660/2019.

4. According to the Petitioner, he is innocent of the alleged offence and he is ready to abide by the conditions imposed by this Court. Hence, prays for allowing the petition on several other grounds.

5. The Prosecution has filed objections to this petition stating that if he is released on bail he may commit similar type of offence and 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 regular bail under Section 439 Cr.P.C.,?”

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

REASONS

9. On perusal of the offences alleged against the Petitioner, it is clear that they are not punishable with death or imprisonment for life. According to this Petitioner he is innocent of the alleged offence, the Petitioner is 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.

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

ORDER

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

The Petitioner is ordered to be released on bail in Cr.No.660/2019 of the respondent police for the offence punishable under Section 397 of IPC., on executing a bail bond of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Jurisdictional Magistrate on the following conditions:-

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

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

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

iv. The Petitioner 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 Petitioner 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 thereafter, the same was transcribed and typed by the Stenographer and thereafter correct, signed and pronounced by me 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):-

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

