

**IN THE COURT OF THE PRINCIPAL DISTRICT AND  
SESSIONS JUDGE, RAMANAGARA**

: Present :

**Smt. B.G.Ramaa**, B.Com., LL.B.,  
Prl. District and Sessions Judge,  
Ramanagara.

**Dated this the 24<sup>th</sup> day of May 2021**

**S. C. NO. 26/2020**

**Complainant** : State by Channapatna East P.S.,  
Channapatna Taluk, Ramanagara  
District.

(Rep. by learned Public Prosecutor,  
Ramanagara)

- V/s.

**Accused** : Syed Zaber S/o. Late Syed Abdulla,  
Aged about 28 years, R/o.  
Mehadinagara, Channapatna Town –  
562 160.

(Rep. by Sri. K.Vijay Kumar, Advocate)

**ORDERS ON BAIL APPLICATION**

Accused has come up with an application U/Sec. 439 of Cr.P.C. seeking bail, on the following grounds.

2) It is contended that respondent – police have registered case against him for the offences punishable U/Sec. 341, 504, 326, 307 OF IPC.

3) Brief facts of the case of the prosecution is that on 20.01.2020 at about 11.00 p.m. when the informant along with C.Ws.2 and 3 was returning from Ramanagara to his

house in a motor cycle, accused wrongfully restrained the informant due to previous rivalry, took out a dragger from his pocket and with an intention to kill C.W.2, came to assault on his neck and when C.W.2 tried to stop the accused with his left palm, he sustained injury to his left thumb which was amputated completely and when the informant and C.W.3 tried to catch hold of the accused, he ran away by abusing them in filthy language.

4) It is the case of the accused that there is old rivalry between the victim and the accused and the informant being the friend of the victim has given a false complaint against the accused to help his friend. The victim is welder by profession and he might have sustained finger injury due to his work. That a false story is created to give false complaint to trouble the accused due to conspiracy.

5) It is the case of the accused that he is innocent of the offences alleged and he has been falsely implicated. That he is in custody since 21.01.2020. That he is from respectable family. As charge sheet is filed, he is not required for investigation. That he has permanent place of abode and ready to abide by conditions apart from furnishing surety.

6) Learned Public Prosecutor has resisted the above petition on the following grounds :

It is contended that filing of charge sheet makes out a strong prima-facie case against the accused. That there

is serious threat to the victim and the prosecution witnesses in the event of release of accused on bail. That any leniency in granting bail would encourage the accused to commit similar offence in future.

7) Arguments heard on both the sides.

8) Perused the materials placed on record.

9) In view of the contentions taken, the points that arise for my consideration are :

**(1) Whether the accused has made out valid grounds for grant of bail?**

**(2) What order?**

10) In view of the arguments canvassed and materials placed on record, above points are answered as follows :

Point No.1 : In the Affirmative.

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

### **REASONS**

11) **Point No.1** :- It is argued by the learned counsel for the accused that there are no injuries on vital part of the victim as injury is sustained to the finger of the victim who is not even admitted to the hospital.

12) Perusal of charge sheet and its enclosures disclose existence of prima-facie materials against the accused for the offences alleged. However as accused is in judicial custody since 21.01.2020 and trial could not be fixed due to present pandemic situation and investigation

is completed, I am of the view that by imposing conditions to meet the apprehensions of learned Public Prosecutor, bail as sought for can be granted in favour of the accused. Hence I answer point No.1 in the 'Affirmative'.

13) **Point No.2** :- In view of the above discussions, I proceed to pass the following :

**ORDER**

Petition filed U/Sec. 439 of Cr.P.C. is hereby Allowed.

The petitioner/accused is ordered to be released on bail in Crime No.26/2020 of Channapatna East P.S. for the offences punishable U/Sec. 341, 504, 326, 307 of I.P.C., on his executing personal bond of Rs.50,000-00 (Rupees fifty thousand only) with a surety for the like sum for his due appearance before the Court, in accordance with law on the following conditions :

1. He shall not tamper with the prosecution witnesses.
2. He shall appear before the Court on all the dates of hearing without fail.
3. He shall not commit similar offence.

*(Dictated to the Judgment Writer, transcribed by him, corrected, signed and then pronounced by me in the open Court, on this the 24<sup>th</sup> day of May 2021).*

**(B.G.Ramaa)**

Prl. District and Sessions Judge,  
Ramanagara.

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bvp