

IN THE COURT OF PRINCIPAL SESSIONS JUDGE,
BENGALURU RURAL DISTRICT, BENGALURU.

Dated this the 24th day of May 2019

PRESENT

Shri P. Krishna Bhat, B.Sc., LL.B.
Principal Sessions Judge,
Bengaluru Rural District,
Bengaluru.

Criminal Miscellaneous Petition No.762/2019

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| Petitioners | 1. Mohamed Usman
S/o Mohamed Ghouse,
Aged about 29 years,
R/o 4 th Cross, Ramasandra road,
Chikkabasti, Bengaluru. | A.3 |
| | 2. Jaffar Sadiq
S/o Aslam Pasha,
Aged about 25 years,
R/o 3 rd Cross, Ramasandra road,
Chikkabasti, Bengaluru. | A.4 |
| | 3. Akil Pasha
S/o Alijan Sab,
Aged about 26 years,
R/o Partha Angadi down,
Chikkabasti, Bengaluru. | A.5 |

Represented by
Sri C. Srinivasa, Advocate.

Vs.

Respondent : State of Karnataka by
Byadarahalli Police.

Represented by
Public Prosecutor.

: ORDER :

This is a bail petition filed under Section 439 of Cr.P.C., in Crime No.132/2019 of Byadarahalli Police Station.

2. Brief facts are as follows: -

One Subhash Chandra Gowda, Assistant Sub-Inspector of Police of Byadarahalli police station is the complainant. It is stated that on 14.05.2019 on receiving credible information when the complainant conducted raid at 4.30 a.m., on a road near car garage, 80 feet road, leading from KLE College to Muddinapalya, he noticed that 5 persons armed with deadly weapons were planning to rob the persons coming on that road. Therefore, the complainant and his staff rushed to the spot and apprehended three of them namely – Mohammed Usman, Jafar Sadiq and Akhil Pasha – the petitioners herein, while two persons managed to escape. The complainant seized one jack-rod, one club and chilly-powder packet from the

petitioners and also seized Tata Ace vehicle bearing registration No.KA 17 B 6817 by drawing a panchanama.

3. It is urged in the bail petition that the petitioners are innocent and they have not committed any offence. It is further stated that the petitioners are permanent residents at the addresses shown in the cause title and they are not likely to abscond.

4. Opposing grant of bail, State has filed detailed statement of objections. It is stated therein that there are reasonable grounds to believe that the accused/petitioners have committed offences punishable under Sections 399 and 402 of Indian Penal Code and therefore, they are not entitled to be granted bail.

5. I have heard the learned counsel appearing for the petitioners and the learned Public Prosecutor for the State. I have perused the investigation papers.

6. After hearing, the point that arises for my consideration in the disposal of this petition is:

Whether the petitioners are entitled to be granted bail in exercise of my power under Section 439 of Cr.P.C.?

7. My answer to the above point is in the affirmative.

REASONS

8. Investigation papers disclose that on 14.05.2019 on receiving credible information when the complainant conducted raid at 4.30 a.m., on a road near car garage, 80 feet road, leading from KLE College to Muddinapalya, he noticed that 5 persons armed with deadly weapons were planning to rob the persons coming on that road. Therefore, the complainant and his staff rushed to the spot and apprehended three of them namely – Mohammed Usman, Jafar Sadiq and Akhil Pasha – the petitioners herein, while two persons managed to escape. The complainant seized one jack-rod, one club and chilly-powder packet from the petitioners and also seized Tata Ace vehicle bearing registration No.KA 17 B 6817 by drawing a panchanama.

9. The present petitioners are accused No.3 to 5 in the case. The offences alleged are under Sections 399 and 402 of Indian Penal Code. They are not exclusively punishable with death or imprisonment for life. Apprehension of the prosecution is that, if bail is granted, the petitioners are likely to abscond and

repeat such offences. It can be prevented by imposing stringent conditions.

10. Taking into consideration the facts and circumstances of this case, I am of the view that the petitioners are entitled to be granted bail, subject to certain conditions. Hence, the following: -

ORDER

The petition is allowed.

Petitioners are directed to be enlarged on bail in Crime No.132/2019 of Byadarahalli Police Station on their executing a personal bond in a sum of Rs.50,000/- with two solvent sureties for the like sum, subject to the following conditions: -

- 1) They shall not threaten or tamper with prosecution witnesses.
- 2) They shall not repeat the offences of similar nature.
- 3) They shall cooperate with the investigating officer in the investigation of the case.

- 4) They shall mark their attendance before the Station House Officer of Byadarahalli police station on alternate Sundays between 10 a.m., and 5 p.m., till the case is over.

It is open to the investigating officer to move for cancellation of bail, if the situation so warrants.

(Dictated to the Judgment Writer, typed by him, after corrections pronounced by me in Open Court on this the 24th day of May 2019)

(P. Krishna Bhat)
Principal Sessions Judge,
Bengaluru Rural District,
Bengaluru.