



**IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE,**  
**YADGIRI**

Dated this the **11<sup>th</sup>** day of **October, 2023**

**PRESENT**

**Sri. B. JAYANTHA KUMAR, B.A.LAW., LL.M.,**  
**District and Sessions Judge,**  
**Yadgiri.**

**S.C. No.68/2023**

**Complainant:**

State by Yadgiri Town P.S.  
Yadgiri.

(By Public Prosecutor, Yadgiri)

**Vs.**

**Accused No.1:**

Mohammed Anas Abdul Khan @  
Rabbani S/o  
Mohammed Amjat Khan,  
Age: 20 years,  
Occ: Cook,  
R/o. Near Haimad Hotel,  
Riyasat Nagar, Santosh Nagar,  
Hyderabad

(By Sri. C.S.Malipatil, Advocate)

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**ORDER ON BAIL APPLICATION FILED BY**  
**ACCUSED NO.1**  
**UNDER SEC. 439 OF CR.P.C..**

This bail application is filed by the accused No.1 under Section 439 of the Code of Criminal Procedure ('Cr.P.C.' for short), praying this Court to enlarge him on regular bail by accepting surety in Cr.No.75/2023 of Yadgiri Town police station (S.C.No.68/2023) in connection with the offences punishable U/Secs.143, 147, 148, 307, 302, 504, 114 R/w Section 149 of IPC.

2) In the bail application, the accused No.1 contended that, he is innocent, the offences alleged against him are false and baseless, he is a labour by profession, he has been falsely implicated in this case on false allegation. He is in judicial custody since four months. He is the only earning member of his family, if he is not released on bail, his entire family will be put to hardship. He is the permanent resident of Riyasath Nagar Hyderabad (T.S), he has not attacked the deceased and therefore, there is no mens-rea. There was no occasion to kill the deceased, already the investigation is completed and charge sheet is filed, therefore, he is not required for interrogation, he is ready to abide by the conditions that may be imposed by this court and ready to furnish surety and prayed to enlarge him on regular bail by accepting surety.



3) The learned Public Prosecutor opposed the bail application by filing objection and contended that, the material collected and available in the charge-sheet, reveals prima-facie case against the accused No.1. If the accused No.1 is released on bail, he may abscond, he may commit similar offence, he may tamper the prosecution witnesses and hence, prayed for rejecting the bail application of accused No.1, filed under Section 439 of Cr.P.C.

4) The following points arise for my determination:

1. Whether the accused No.1 has made out good grounds for an order of regular bail?
2. What order?

5) Heard arguments of the learned counsel for the accused No.1 and learned Public Prosecutor.

6) My findings on the above points are as follows:

**Point No.1 : In the Negative.**

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

### **REASONS**

7) **POINT No.1:** Yadgiri Town Police based on the complaint filed by one Chandrashekhar Guttadar S/o Ramayya



Guttedar registered a Cr.No.75/2023 and on completion of the investigation, he filed charge-sheet against the present accused No.1 and other accused alleging the offences punishable under Sections 143, 147, 148, 307, 302, 504, 114 R/w Section 149 of IPC.

8) In the charge sheet, it is alleged that, on 14.05.2023 at about 10-30 p.m, when CW-1 had been to move his car which was parked near S.K.M. Garage, he noticed some other vehicles parked in such a position that, it was impossible for him to move his car from the place where it was parked, as such, CW-1 went inside Royal Garden Hotel under an impression that, the said vehicles which were parked across his car, might be of the customers of the said hotel and asked accused No.2 Abdul Sattar, the owner of the said hotel to tell his customers to move their vehicles from the place where they have parked, at that time, accused No.2 enraged on him by saying as “ಏಯ್ ಹೋಗಲೇ ಇಲ್ಲಿಂದ, ಇಲ್ಲಾಂದ್ರೆ ನಮ್ಮ ಹುಡುಗರಿಗೆ ಕರೆದು ನಿನಗೆ ಹೊಡೆಸಿ ಸೀದಾ ಮಾಡಬೇಕಾಗುತ್ತದೆ”, at that time, accused Nos.1, 3 to 6 joined accused No.2 and abused CW-1 in filthy language by saying as “ಏಯ್ ರಾಂಡಕೇ ಯಹಾಸೆ ಚುಪ್ ಜಾ ನಹಿತೋ ತೆರೆಕೋ ತುಕಡೆ ತುಕಡೆ ಕರಕೆ ಪೆಕತೇ ಹೈ” and noticing the same, deceased Srinivas and CW-6 to 8 who had been to the said hotel to have dinner, tried to pacify the matter, at that time,



accused No.1 gone inside the hotel, brought a knife with an intention to kill CW-1 and he pierced the knife towards CW-1 and while escaping, CW-1 received injury on his left index finger and it is stated that, when accused No.1 again attempted to assault, deceased Srinivas dragged CW-1 aside at that time, accused No.1 enraged on the deceased by saying as “ತುಮ್ ಕೌನ್ ಬೆ ಸಾಲೆ, ಬೀಚ್ ಮೆ ಕೈಕು ಆತೆ, ಪಹಲೆ ತುಮ್‌ಕೋ ಖತಮ್ ಕರಕೆ, ಬಾದಮೆ ಉಸ್ಕು ಖತಮ್ ಕರತಾಹಂ” and by saying so, he assaulted with a knife on the left rib of the deceased, due to which, deceased sustained bleeding injury and breathed his last.

9) Learned counsel for accused No.1 in addition to the grounds urged in the bail application has further argued that, this is the first bail petition filed by the accused No.1 and this court rejected the bail application of the accused No.2. Though the children of the accused No.2 were present, but they were not made as parties to the above case for the reasons best known to the investigation officer. Accused No.1 is not assailant and the complainant came to know the name of accused No.1 from the other persons. The photos of the CC TV camera footage reveals that, the son of accused No.2 brought the weapon to commit offence and the accused No.1 is not found in the CC TV camera footage and there is no prima facie material to link the accused



No.1 to the alleged offences and the accused No.1 is a labour working in the hotel and he is young person. Accused No.1 is in judicial custody since four months and there is no criminal antecedents against him, he is the permanent resident of Riyasath Nagar, Hyderabad and he is the only earning member of the family and there was no mens-rea. He is ready to abide by the conditions that may be imposed by this court and prayed for granting regular bail. In support of his arguments, he has relied upon the photos of the CC TV Camera footage.

10) The learned Public Prosecutor argued that, the material collected and available in the charge-sheet reveals that, there is prima-facie case against the accused No.1. The offences alleged against the accused No.1 are heinous in nature and punishable with capital punishment or imprisonment for life. Under the circumstances, if the accused No.1 is released on bail, he may abscond, he may commit similar offence, he may tamper the prosecution witnesses and hence, prayed for rejecting the bail application of the accused No.1 filed under Section 439 of Cr.P.C.

11) The present petition is filed by the accused No.1 seeking regular bail on various grounds urged in the bail petition and one of the most important ground urged by him is



that, he is not an assailant and the death of the deceased is unfortunate incident. The entire allegation made in the first information as well as in the charge sheet reveals that, the present accused No.1 caused the death of the deceased on his own volition and there was no instigation from any other persons. The allegation made in the charge sheet reveals that, the said vehicles which were parked across the car of CW-1 might be of the customers of the said hotel and asked the accused No.2 Abdul Sattar, the owner of the hotel to tell his customers to move their vehicles from the place where they have parked, at that time, the accused No.2 enraged on him by saying as “ಏಯ್ ಹೋಗಲೇ ಇಲ್ಲಿಂದ, ಇಲ್ಲಾಂದ್ರೆ ನಮ್ಮ ಹುಡುಗರಿಗೆ ಕರೆದು ನಿನಗೆ ಹೊಡೆಸಿ ಸೀದಾ ಮಾಡಬೇಕಾಗುತ್ತದೆ”. At that time, the present accused No.1 and accused No.3 to 6 joined accused No.2 and abused him in filthy language and noticing the same, the deceased Srinivas and CW-6 & 8 who had been to the said hotel for having dinner tried to pacify the matter and the accused No.1 gone inside the hotel and brought the knife and with an intention to kill CW-1, he pierced the knife towards CW-1 and while escaping, CW-1 received injury on his index finger. Therefore, the allegation made in the charge-sheet points towards the accused No.1 and he voluntarily brought the knife and pierced into the body of the deceased. Therefore, there are sufficient materials to show that, the accused No.1 voluntarily assaulted the deceased and killed him



and he has not made out any good grounds to seek regular bail. If the bail is granted, he may abscond, he may threaten the witnesses. With these observations, I answer point No.1 in the **Negative.**

12) **Point No.2** In view of my findings on point No.1, I proceed to pass the following:

**ORDER**

Bail application filed by accused No.1 by name  
Mohammed Anas Abdul Khan @ Rabbani S/o  
Mohammed Amjat Khan under Section 439 of Cr.P.C.  
is hereby rejected.

*(Dictated to the Stenographer, directly on computer, corrected it, taken out print, signed and then pronounced by me in the open Court on this the 11<sup>th</sup> day of October, 2023).*

**(B. Jayantha Kumar)**  
District and Sessions Judge,  
Yadgiri.