

**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 21st day of March 2020

Crl.Misc.No.25242/2020

Petitioner: Anil Kumar.K.P @ Anil,
S/o K. Prakash,
Aged about 29 years,
Residing at Dr. Raj Road,
Veeraswamy Reddy Badavane,
Bengaluru-560 067.

(Pleader By : Sri. H.N. Manjunath)

.. Vs ..

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

(By Public Prosecutor)

ORDER

This Petition is filed by the petitioner against the Respondent U/Sec.439 of Cr.P.C., praying for releasing him on bail in Cr.No.98/2020 for the offences punishable under Section 399, 402, 307, 120(B), 143 r/w Section

149 of IPC.

2. According to the petitioner, as per the F IR in Cr.No.98/2020 of the Complainant Police it is stated that on 6.3.2020 at about 6.30 p.m., the Police Inspector, CCB, Crime Squad, Bengaluru received information that near St. Anthony School ground within the jurisdiction of K.R.Puram Station, some 4-5 persons armed with deadly weapons were prearing to commit dacoity and that the police went and arrested A.1 to A.4 and seized the weapons and another person ran away. Hence, the police registered the case for the offences under Section 399 and 402 of IPC against A1 to A4 only. A1 to A.4 were produced before the X ACMM Court, Bengaluru, with a requisition seeking police custody of the said A1 to A4 were given to the custody of the said police for a period of 10 days from 11.3.2020.

3. It is stated that on 11.3.2020 again the Police produced A.1 to A.4 along with the Petitioner/Accused No.6 before X ACMM, Bengaluru, seeking their remand to judicial custody till 24.3.2020 and accordingly they

were remanded to judicial custody. It is the case of the Complainant Police in the said remand report dtd 11.3.2020 that during enquiry, the A.1 to A.4 told the police that there is a land dispute between the Petitioner/Accused No.6 and one person by name Guru and the Accused No.6 gave supari to them to kill Guru and that the Accused No.1 to 4 along with their associates i.e., A.5 to A.10 made unsuccessful attempt to kill Guru. The Petitioner is now in JC. The Petitioner is innocent of the alleged offences and ready to abide by any conditions imposed by this Court. Hence, prays for releasing the Petitioner on bail by allowing the Petition.

4. PP has filed objection to this petition contending the facts stated in the complaint and stating that the offences are heinous in nature, if the Petitioner is released on bail it is likely that he may abscond from the jurisdiction of the Court and tamper the witnesses and flee from the jurisdiction of the Court. It is also stated that accused No.1 to 4 have given voluntary statement stating that they have hatched a plan to kill the relative

of Accused No.6 by name Guru, since there was a difference of opinion between Accused No.6 and the said person Guru. Basing on the said voluntary statement Police have registered case for the offences punishable under Section 307, 120(B) and 143 r/w Section 149 of IPC. The Police have seized 2 longs, 2 steel rods, 1 knife/dagger, 4 chilly power packets, Accent Car bearing No.KA-53-M-608 from the accused No.1 to 4. Hence, if this Petitioner is released on bail, it is likely that he may tamper the witnesses and flee from the jurisdiction of the Court and the offence alleged under Section 307 of IPC is punishable with life imprisonment or ten years imprisonment. Hence, by relying on the Judgments of Hon'ble High Court of Karnataka reported in 1991 Crl.L.J Page 3205 between Narasimhamurthy V/s State of Karnataka and 1991 Crl.L.J 1298 between B.M.P. Ramesh V/s State of Karnataka prays for rejecting the bail application on several other grounds.

5. 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.,?”

6. Heard both the sides.

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

REASONS

8. As per the objections of PP, basing on the voluntary statement of accused No.1 to 4, all the accused have hatched a plan to commit murder of relative of accused No.6 by name Guru. However, so far, no complaint was given by Guru or no person is injured from the accused persons. Therefore, considering the nature of offences alleged against the Petitioner, I feel that Petitioner has to be released on bail by imposing conditions in order to cover the apprehension of the Public Prosecutor. 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 Petitioner under Sec.439 Cr.P.C., is allowed.

The Petitioner is ordered to be released on bail on his executing personal bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Court in Cr.No.98/2020 for the offences punishable u/s 399, 402, 307, 120(B), 143 r/w Section 149 registered against him on the following conditions:-

i. The Petitioner shall co-operate with the Prosecution in the investigation and they 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 21.3.2020 thereafterwards, the same was transcribed and typed by the Stenographer and thereafterwards correct, signed and pronounced by me on 21st day of March 2020].

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

Order pronounced in the open court (Vide separate order).

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