

**IN THE COURT OF THE IV ADDL. CITY CIVIL AND
SESSIONS JUDGE MAYOHALL UNIT, BENGALURU
(CCH-21)**

**I/C LVII ADDL. CITY CIVIL AND SESSIONS JUDGE MAYOHALL
UNIT, BENGALURU (CCH-58)**

Dated: This the 12th day of May, 2021

PRESENT:

SRI. SHANTHANNA ALVA M.,
IV Addl. City Civil and Sessions Judge, Bengaluru.

I/C LVII Addl. City Civil & Sessions Judge, Bengaluru

CRL.MISC. NO.25573/2021

PETITIONER:	Prakash@ Parka, S/o Panchanadan, Aged about 25 years, Residing at No.786, 3 rd Cross, Austin Town, BDA Quarters, Bengaluru-560 047.
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(PLEADER BY: Sri. N. Gopal - Advocate)

.. Vs ..

RESPONDENT:	STATE BY, VIVEKANAGAR POLICE STATION
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(BY PUBLIC PROSECUTOR)

ORDERS ON BAIL APPLICATION

The Petitioner arrayed as accused No.2 in Crime No.55/2021 registered at the respondent for the offence punishable u/s 399 and 402 of IPC R/w Section 27 of the Arms Act and in judicial custody since 2/05/2021, filed the petition u/s 439 of Cr.P.C. to enlarge him on bail.

2. In the petition, it is stated that the petitioner is innocent and false case was registered and there he has been falsely implicated. The alleged incident is a concocted story. The petitioner not involved in the commission of alleged offence. The petitioner is the permanent resident of Bengaluru and he has no bad antecedents. The petitioner is law abiding and peace loving citizen and hailing from highly and respectable family. The petitioner is ready to cooperate with the investigation of the case and ready to offer solvent surety to guarantee his appearance. The petitioner will not tamper the prosecution witnesses and will not flee from the justice.

3. *On being notified, the learned public prosecutor filed by the objection contending that there are sufficient materials to the effect that petitioner committed the alleged offence. The petitioner is habitual offender. If the petitioner is released on bail there is every chance of committing the similar offence. There is also chance of his absconding and threatening the prosecution witnesses.*

4. *Heard the arguments of the learned counsel for the petitioner and of the learned public prosecutor. Perused the application, objection and the documents made available. The point that arises for consideration is:*

i) Whether the petitioner is entitle for the regular bail?

5. *The answer is in the Affirmative for the following:*

REASONS

6. *The petitioner and others were arrested on the allegation that on 02-05-2021 at 4:00 am at Austin Town near Maternity Hospital, they assembled for the purpose of*

committing the dacoity and making preparation for committing the dacoity. The petitioner denied the allegation and contended that he is innocent and false case being registered and he has been falsely implicated.

7. As of now except suo-moto complaint and the Mahazar said to be drawn at the spot there is no other materials to the effect that the petitioner committed the alleged offence. The bail is a rule and jail is an exception. The bail can be denied only if the alleged offence is grievous in nature and release on bail would cause hindrance to the investigation and effect tranquility of the society.

8. The petitioner not appears so powerful to cause hindrance to the investigation and threatening the prosecution witnesses. There is no materials to the effect that petitioner is a habitual offender. The petitioners submitted that he will obey the conditions that may be imposed and will lead the decent life. It is also stated that he is having the responsibility of looking after their family. The investigation is almost over. We are in the

amidst of Covid-19 pandemic and in such situation keeping of the petitioner in jail is not proper. The De-conjection of jail is one of the way to prevent the spread of Covid-19 pandemic.

9. The apprehension raised by the prosecution is general one and they can be taken care of by imposing necessary conditions. Thus, considering the overall aspects, the court holds that the bail is to be granted with conditions. Accordingly the court proceeds to pass the following:

ORDER

*The Petition filed by the petitioner
U/Sec.439 Cr.P.C., is allowed.*

*Petitioner is ordered to be released on
bail in connection with the Crime No.
55/2021 registered by the respondent for the
offence punishable under section 399 and
402 of IPC R/w Section 27 of the Arms Act
on the file of 29th ACMM, on execution of
bail bond for a sum of Rs. 50,000/- with a
surety for the like sum on the condition
that;*

1. *Petitioner shall not tamper with the prosecution witnesses or threaten the prosecution witnesses.*
2. *Petitioner shall regularly appear before the trial court and shall on-operate with the trial of case.*
3. *Petitioner shall not involve in criminal activities and lead responsible and decent life.*
4. *Petitioner in case changes the residence the same shall intimated to the trial court.*

[Dictated to the Stenographer, after computerization, corrected, signed and then pronounced by me in the open Court on this the 12th day of May, 2021].

[Shanthanna Alva M.]
*IV Addl. City Civil & Sessions Judge,
I/C LVII Addl. City Civil & Sessions Judge,
Mayo hall, Bengaluru.*

*Order pronounced in the open Court
(Vide separate Order)*

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*IV Addl. City Civil & Sessions Judge,
I/C LVII Addl. City Civil & Sessions Judge
Mayo hall, Bengaluru.*