

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH.20)**

Present:

sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 23rd day of February, 2021.

Crl.Misc.No.25255/2021

Petitioner:-

Tanzeem Pasha @ Tannu
Son of Imtiyaz Pasha,
Aged about 26 years,
R/a. 10Th Cross, Kuppaswamy
Layout, Nagawara KG Halli,
Bengaluru Also R/a No.209/1,
Umarnagar, Nagawara
Rachenahalli, Bengaluru AC
Post, Bengaluru – 45.

[By Sri.GAS-Adv.]

Vs.

Respondent:-

State by K.G.Halli Police Station,
Bengaluru City

[By Public prosecutor]

ORDER

Petitioner has filed this petition under section-439 of the Cr.P.C., praying for granting an order of Regular bail in respect of the offences alleged under sections 399 and 402 of the Indian Penal Code, in Crime No.396/2020 of the Respondent- K.G.Halli Police Station, Bengaluru.

2. Brief facts of the bail petition are as under:-

Respondent Police have falsely implicated them in the case. He is totally innocent of the offences alleged against him. He is in judicial custody. Offence is not punishable with imprisonment for life or death. He undertakes to abide by any conditions that may be imposed by the court. On all these grounds, Petitioner has sought for granting bail to him.

3. Objection filed by the prosecution to the petition is as under:-

The Respondent Police have registered a case in Crime No.396/2020 for the offences punishable under sections 399 and 402 of Indian Penal Code against the Petitioner and others. Investigation is still under progress. If the Petitioner is released on bail, he will abscond. Investigation regarding the involvement of the accused persons in other cases is to be done. If the Petitioner is enlarged on bail, he may again commit similar offences and destroy the prosecution evidence and may abscond from trial. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the bail petition.

4. Heard arguments and also perused the records.

5. In the circumstances, following points arise for determination are:

1. Whether Petitioner is entitled to an order of Regular Bail, as sought for?

2. What order?

6. My findings to the above points are under:-

Point No.1 :- In the **affirmative**

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

R E A S O N S

7. Point No.1:- As per the FIR registered in Crime No. 396/2020 on 15.12.2020 for the offences under sections-399 and 402 of Indian Penal Code, by the Respondent Police, on 15.12.2020 in the night at 7.30 PM, informant police officer received information about some 4-5 persons attempting to rob the people near Cristian graveyard, Veerannana

Palya, in the jurisdiction of the Respondent K.G.Halli Police station and went over to the spot with panch witnesses and raided the place. At that time, police apprehended three accused persons and two accused persons ran away. Accused persons were in possession of wooden club, chopper and knife. Investigating officer seized the weapons at the spot in the presence of the witnesses and registered the FIR.

8. In the FIS, it is alleged that on the suspicion that accused might commit robbery, information was passed on to the police and when the police went over to the spot, Accused persons were found in possession of the above mentioned weapons. Other than that, I.O. has not collected any material to show that indeed the Petitioner and his associates attempted to commit robbery. No public has lodged

any complaint to the police alleging attempt of robbery by the accused persons. Offences are not punishable with imprisonment for life or death. Also the Petitioner/Accused No.1 is in judicial custody since 15.12.2020. Apart from that Co-accused have been granted Regular Bail in Crl.Misc.No. 26113/2020 by order dtd. 05.01.2021. Hence, petitioner is entitled for parity.

9. Having regard to the above facts and circumstances, I am of opinion that Petitioner may be enlarged on bail by imposing appropriate conditions to ensure that they do not interfere with the investigation or cause threat to the prosecution witnesses or abscond from the proceedings. Consequently, Point No.1 is answered in the **affirmative.**

10. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Bail petition filed by Petitioner/
Accused No.1 under Sec.439 of the
CR.P.C **is hereby allowed.**

Petitioner/Accused No.1 in Crime No.
396/2020 of K.G.Halli Police Station,
Bengaluru, is hereby enlarged on bail for
the offences punishable under sections
399, 402 of IPC, subject to the following
conditions:

- 1) Petitioner shall give
attendance before the I.O.,

K.G.Halli Police Station, on every alternative Sunday from 10 a.m. to 2 p.m. till filing of Charge sheet/Final Report.

2) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

3) Petitioner shall co-operate in the investigation of the case.

4) Petitioner shall not abscond from the trial.

5) Petitioner shall execute personal bond for a sum of Rs.50,000/- with one surety in like sum to the satisfaction of the

Learned 11th Additional Chief
Metropolitan Magistrate, Mayo
Hall Unit, Bengaluru.

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(Dictated to the Stenographer, transcribed by him
and computerized and then corrected and
pronounced by me on this the **23rd day of Februry,
2021**)

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(D.S.VIJAYA KUMAR)

XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

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(Order pronounced vide separate Order)

ORDER

Bail petition filed by Petitioner/ Accused No.1 under Sec.439 of the CR.P.C **is hereby allowed.**

Petitioner/Accused No.1 in Crime No. 396/2020 of K.G.Halli Police Station, Bengaluru, is hereby enlarged on bail for the offences punishable under sections 399, 402 of IPC, subject to the following conditions:

1) Petitioner shall give attendance before the I.O., K.G.Halli Police Station, on every alternative Sunday from 10 a.m. to 2 p.m. till filing of Charge sheet/Final Report.

2) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

3) Petitioner shall co-operate in the investigation of the case.

4) Petitioner shall not abscond from the trial.

5) Petitioner shall execute personal bond for a sum of Rs.50,000/- with one surety in like sum to the satisfaction of the Learned 11th Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru.

(D.S.VIJAYA KUMAR)

XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU**

Present:

sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 23rd day of February, 2021.

Crl.Misc.No.25208/2021

Petitioner:-

Syed Najeem @ Danya
S/o Syed Saleem,
Aged about 23 years,
R/a. No.50, B Street, HKP Dargha
Road, Shivajinagar, Bengaluru -51

[By SA.-Advocate]

Vs.

Respondent:-

State by Shivajinagar Police
Station, Bengaluru City

[By Public prosecutor]

ORDER

Petitioner has filed this petition under section-
439 of the Cr.P.C., praying for granting an order of

Regular bail in respect of the offences alleged under sections 399 and 402 of the Indian Penal Code, in Crime No.109/2017 of the Respondent- Shivajinagar Police Station, Bengaluru, charge sheeted in C.C.No.52313/2019 on the file of 29th Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru .

2. Brief facts of the bail petition are as under:-

Respondent Police have falsely implicated him in the case. He is totally innocent of the offences alleged against him. He is in judicial custody. Offence is not punishable with imprisonment for life or death. He undertakes to abide by any conditions that may be imposed by the court. On all these grounds, Petitioner has sought for granting bail to him.

3. Objection filed by the prosecution to the petition is as under:-

The Respondent Police have registered a case in Crime No.109/2017 for the offences punishable under sections 399 and 402 of Indian Penal Code against the Accused/Petitioner and others. Investigation is completed and charge sheet is filed. If the Petitioner is released on bail, he will continue to abscond. Investigation regarding the involvement of the accused persons in other cases is to be done. If the Petitioner is enlarged on bail, he may again commit similar offences and destroy the prosecution evidence and may abscond from trial. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the bail petition.

4. Heard arguments and also perused the records.

5. In the circumstances, following points arise for determination are:

1. Whether Petitioner is entitled to an order of Regular Bail, as sought for?
2. What order?

6. My findings to the above points are under:-

Point No.1 :- In the **affirmative**

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

R E A S O N S

7. Point No.1:- As per the charge sheet allegations on 13.08.2017 at about 7 PM, informant police officer received information about some persons attempting to rob the people behind, ESI Hospital Compound, Broad way Road, Shivajinagar, in the jurisdiction of the Respondent Police station and went over to the spot with panch witnesses and raided the place. At that time, police apprehended accused persons who were in possession of chopper, dragon. Investigating officer seized the weapons at the spot in the presence of the witnesses and registered the FIR and after completion of the investigation, filed the charge sheet in the case.

8. In the FIS and FIR, it is alleged that on the suspicion that accused might commit robbery, information was passed on to the police and when the police went over to the spot, Accused persons were found in possession of the above mentioned weapons. Other than that, I.O. has not collected any material to show that indeed the Petitioner and his associates attempted to commit robbery. No public has lodged any complaint to the police alleging attempt of robbery by the accused persons. Offences are not punishable with imprisonment for life or death. Also the petitioner who is Accused No.3 is in judicial custody since 13.08.2017.

9. Having regard to the above facts and circumstances, I am of opinion that Petitioner may be enlarged on bail by imposing appropriate conditions to ensure that he does not interfere with

the investigation or cause threat to the prosecution witnesses or abscond from the proceedings. Consequently, Point No.1 is answered in the **affirmative.**

10. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Bail petition filed by Petitioner/
Accused No.2 under Sec.439 of the
CR.P.C **is hereby allowed.**

Petitioner/Accused No.2 in Crime
No.109/2017 of Shivajinagar Police
Station, Bengaluru, is hereby enlarged
on bail for the offences punishable
under sections 399, 402 of IPC, subject
to the following conditions:

1) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

2) Petitioner shall co-operate in the investigation of the case.

3) Petitioner shall not abscond from the trial.

4) Petitioner shall execute personal bond for a sum of Rs.50,000/- with one surety in like sum to the satisfaction of the Learned 29th Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru.

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(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me on this the **23th day of February, 2021**)

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(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ , Mayo Hal Unit,
Bengaluru

vk

(Order pronounced vide separate Order)

ORDER

Bail petition filed by Petitioner/ Accused No.3 under Sec.439 of the CR.P.C **is hereby allowed.**

Petitioner/Accused No.3 in Crime No. 109/2017 of Shivajinagar Police Station, Bengaluru, is hereby enlarged on bail for the offences punishable under sections 399, 402 of IPC, subject to the following conditions:

1) Petitioner shall give attendance before the I.O., Shivajinagar Police Station, on every alternative Sunday from 10 a.m. to 2 p.m. till filing of Charge sheet/Final Report.

2) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

3) Petitioner shall co-operate in the investigation of the case.

4) Petitioner shall not abscond from the trial.

5) Petitioner shall execute personal bond for a sum of Rs.50,000/- with one surety in like sum to the satisfaction of the Learned 11th Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru.