

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

Dated: This the 4th day of March 2021

PRESENT:

SRI. Shanthanna Alva M.,
IV Addl. City Civil and Sessions Judge, Bengaluru

CRL.MISC. NO.25222/2021

PETITIONER:	1	Mr. Chethan, S/o Dodda Hegde, Aged about 29 years, R/at. No.134, II cross, Muthurayanagara, Bangalore-560 059.
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(PLEADER BY: Sri. B.V.Manjunatha Gowda, Advocate)

.. Vs ..

RESPONDENT:	STATE BY, Indiranagara POLICE STATION (BY PUBLIC PROSECUTOR)
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ORDER ON BAIL APPLICATION

Petitioner who has been arrayed as accused in Cr.No.18/2021 registered at the respondent for the offences punishable under section 323,326 of IPC filed the application u/s. 438 of Cr.P.C seeking bail in anticipating his arrest.

2. *In the application, it is stated that he is innocent of the offence alleged against him. A false case has been foisted against the petitioner at the instance of persons who are inimically disposed towards the petitioner. Grievous injury is not sustained by the injured . The injury was not caused voluntary. The offence alleged against the petitioner are not punishable with death or imprisonment for life. The petitioner hails from respectable family. It is submitted that the petitioner is the permanent resident of Bengaluru and ready to obey the conditions that may be imposed by the Court and Call on-operate with the investigation.*

3. *On notifying the filing of petition, Ld Public Prosecutor filed objection contending that if the petitioner is released on bail, there is chance of his absconding and this will affect the conclusion of the trial. If the bail is granted, there is also chance of obstruction of prosecution witnesses and threatening the prosecution witnesses and committing similar offence.*

Investigation is not yet completed. On these and other grounds, it is prayed to dismiss the application.

4. The arguments of Ld Counsel for the petitioner and of the Ld Public Prosecutor was heard. Perused the complaint, objection and the documents filed along with the petition. The point that arises for determination is:

*Whether the petitioner has made out
ground to grant anticipatory bail?*

5. The finding on the above point is in the affirmative for the following:

REASONS

6. The material on record discloses that the complainant sustained injuries in the incident, where the petitioner involved. As of now there is no strong materials to the effect that the alleged act of the petitioner resulted in commission of alleged offence. There is no allegation that petitioner involved in the anti-social activities. It is argued that injury is the result of altercations.

7. As there is apprehension of arrest and it is not required to keep the petitioner in Judicial custody, this court holds that petitioner is entitled for anticipatory Bail. The apprehensions raised by the respondent can be taken care of by imposing necessary conditions. Thus, considering the facts and circumstances surrounding the case, the court holds that bail is to be granted to the petitioner with conditions. Accordingly the point under consideration is answered in affirmative and following:

ORDER

*The Petition filed by the petitioner U/Sec.438
Cr.P.C., is allowed.*

*Petitioner is ordered to be released on bail in
connection with the Cr.No.18/2021 registered for
the offence punishable under section 323,326 of
IPC by Indiranagar Police Station in case of his
arrest by taking a bond for a sum of Rs.1,00,000 /-*

*with a surety for the like sum on the condition
that;*

- 1. The petitioner shall appear before the
I.O. whenever called upon and shall
co-operate with the investigation.*
- 2. The petitioner shall not threaten the
complainant and tamper or meddle
with the prosecution witnesses.*
- 3. The petitioner shall not involve in
criminal activities.*

*[Dictated to the Judgment-Writer, after computerization,
corrected, signed and then pronounced by me in the open Court
on this the 4th day of March 2021].*

[SHANTHANNA ALVA M]
*1V Addl. City Civil & Sessions Judge,
Mayo hall, Bengaluru.*

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

ORDER

*The Petition filed by the petitioners U/Sec.438
Cr.P.C., is allowed.*

*Petitioners are ordered to be released on bail in
connection with the Cr.No.18/2021 registered for the
offence punishable under section 323,326 of IPC by
Indiranagar Police Station in case of his arrest by
taking a bond for a sum of Rs.1,00,000/- with a
surety for the like sum on the condition that;*

- 1. The petitioner shall appear before the I.O.
and shall co-operate with the
investigation.*
- 2. The petitioner shall not tamper or meddle
with the prosecution witnesses.*
- 3. The petitioner shall not involve in
criminal activities.*

*1V Addl. City Civil & Sessions Judge,
Mayo hall, Bengaluru.*