

**IN THE COURT OF THE XXVIII ADDL. CITY CIVIL & SESSIONS
JUDGE
Mayo Hall, Bangalore, [CCH.NO.29]**

Present :- Sri. Krishnaji Baburao Patil, B.Com., LL.B.,(Spl.)

Dated this the 5th day of December November 2020

Crl.Misc.No.25993/2020

- Petitioners:** 1. Murali,
S/o Palani,
Aged about 26 years,
Residin at No.163,
Sanjaygandhinagara,
Sheshadripuram,
Bengaluru-560 020.
2. Guru.S,
S/o Chikkabasaregowda,
Aged about 27 years,
Residing at No.25/1,
25th Cross,
Bhuvaneshwarinagar,
K.P. Agrahara,
Magadi Road,
Bengaluru-560 023.

(By pleader : Sri. Sandesh Kumar)

V/s

Respondent: State by;
Halasur Police Station
Bengaluru.

(By Public Prosecutor)

ORDERS

The present Petition is filed by the Petitioners who are accused No.1 and 2 under Section 439 of Cr.P.C., for granting regular bail on the ground that the Respondent Police have registered case against the accused in Cr.No.211/2020 for the offences punishable under Section 397 of IPC.

2. It is alleged in the complaint that, the Complainant the resident of Maharashtra had appeared before the Respondent Police and lodged written complaint alleging that on 12.11.2020 on some work, he had been to Bengaluru and he had hired a room at Town House near Brigade Road and thereafter in the night 9.30 p.m., the Complainant in order to have lunch and to buy a mobile he went to Majestic and wandered there and on 13.11.2020 at about 12.30 a.m., in order to go to Brigade Road he hired an Autorickshaw and the driver of the Autorickshaw had wandered around Bengaluru for sometime and at about 3.30 a.m., he had stopped the Autorickshaw in front of Church, Thamarakanan Road, Halasur and he had demanded to pay Rs.2,000/- and at that time the Complainant told that he will pay

Rs.1,000/- thereafter the driver of the Autorickshaw and his friend colluded with each other and had assaulted on the head and left hand of the Complainant with a rod and caused bleeding injuries and have snatched Redmi Note 9 Pro Mobile Phone and purse and in thee purse there was Credit Card, Debit Card, Adhaar Card, PAN Card, DL and RC Card and Rs.5,000/- cash. Hence, the complaint.

3. The Petitioners have contended that they are innocent of the alleged offences and they have got valid and tenable defence in their favour. The complaint and FIR is against two unknown persons taking advantage of this fact, the Respondent Police have falsely implicated these Petitioners in the above case. The Petitioners never involved in the above case and have not committed any offences, they neither directly nor indirectly involved in the above case. The Petitioners hails from respectable family and they are permanent residents of the address cited in the cause title of the petition. The Petitioners are ready to abide by the conditions imposed by this Court and ready to co-operate with the IO for investigation. They will undertake not to tamper with the prosecution witnesses.

Hence, prayed to allow the Petition.

4. For the said Petition the Learned PP has filed objections in detail denying the contents of the Petition specifically as baseless and contended that the offence alleged against the Petitioners are under Section 397 of IPC. The contents of the FIR and other documents are treated as part and parcel of the objection. The Petitioners are involved in other cases related Indiranagar, Koramangala, Cubbon Park, Ashok Nagar Poice Station. The investigation is in progress and the Petitioners are required for the investigation. The Petitioners might tamper with the prosecution witnesses which would affect the trial of the case. If the Petitioners enlarged on bail they might be abscond and commit similar offences. Hence, prayed to dismiss the application.

5. On the basis of the above, the point that arises for my consideration are:-

- 1) Whether the Petition deserves to be allowed?
- 2) What order?

6. My answer to the above points are :

Point No.1 : In the Negative.

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

REASONS

7. The offence alleged against the Petitioners are under Section 397 of IPC. The offence alleged against the Petitioners is grievous in nature. The investigation is still at primary stage. The accused took the Complainant in Autorickshaw and robbed him and the incriminating materials have been robbed by the Police from the possession of the Accused No.1 and 2. Still the identification parade of the accused persons is not conducted. The complaint is filed against the unknown persons. From the CD produced by the PP it is clear that the investigation is still at primary stage. Considering the facts and circumstances of the present case, this Court is of the view that at this stage, the Petitioners are not entitled for bail as prayed for in the present petition. Hence, I answer Point No.1 in the Negative.

8. **Point No.2**:- In the result, this Court proceeds to pass the following:-

ORDER

The Petition filed by the Petitioners No.1 & 2 under Sec.439 Cr.P.C., is hereby dismissed.

[Dictated to the Stenographer, thereafter transcribed and typed by the Stenographer and the same was corrected, signed and then pronounced by me in the open Court on this the **5th day of December 2020**].

[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

Orders pronounced in open court
as under (vide separately):-

ORDER

The Petition filed by the Petitioners No.1 & 2 under Sec.439
Cr.P.C., is hereby dismissed.

[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.