

**IN THE COURT OF THE LVII ADDL. CITY CIVIL AND
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH-58)**

Present:

**Smt.K.G.Shanthi B.com. LLM.
LVII Addl.City Civil & Sessions Judge,
Bengaluru**

Dated this the 12th day of January, 2021

Crl.Misc.No.26139/2020

- Petitioners:**
1. **Syed Matheen,**
S/o Syed Iqbal,
Aged about 26 years,
Residing at No.122,
8th Cross, Indira Gandhi slum,
Near Rama Temple, Ejipura,
Vivek Nagar post,
Bengaluru-560047.
 2. **Dharma,**
S/o late Murugesh,
Aged about 21 years,
R/at No.230, 9th A Cross
Indira Gandhi slum,
Near rama temple, Ejipura,
Vivek Nagar post,
Bengaluru-560047.
 3. **Maniganda @ Motta**
S/o late Murugesh,

Aged about 23 years,
R/at 83, new No.223,
9th A Cross Indira Gandhi slum,
Near rama temple, Ejipura,
Vivek Nagar post,
Bengaluru-560047.

4. **Venkatesh @ Vata @ Kutty,**
S/o Pullaiah,
Aged about 20 years,
Residing at No.70, 9th Cross,
Sonene Halli, Vivek Nagar post,
Bengaluru-560047.

[By Sri.N. Ghopal - Advocate]

V/s.

Respondent: State by **Ashok Nagar**
Police Station, Bengaluru City.

[By Public Prosecutor]

ORDER ON PETITION U/S 439 Cr.P.C.

The respondent-police registered the case against the accused/petitioners in Crime No.318/2020 for the offence punishable U/Ss. 399 and 402 IPC.

2. The brief facts of the case is that, on 20/12/2020 at about 10.30 p.m., the P.S.I. of the

respondent-police received credible information that near Water tank at Austin Town, Neelasandra, some 5-6 persons formed unlawful assembly and they are holding weapons in their hands with an intention to restrain by passers and they are hatching plan to commit dacoity. Accordingly, the complainant along with others rushed to the spot and confirmed that 5-6 persons are making preparation to commit dacoity. Hence, they surrounded them and out of 6 persons, 4 persons caught hold and 2 of them are absconding.

3. These Petitioners are accused Nos.1 to 4 pray for grant of bail stating that they have no acquaintance with this complaint; they are the permanent residents of Bengaluru City. Further contended that the alleged offences are not punishable with death or imprisonment for life. They are ready to furnish solvent surety to the at the time of bail and ready to abide any of the conditions imposed by this Court. Accordingly, pray to release them on bail.

4. The Public Prosecutor filed his objection

stating that the weapons used for the offence is already seized. If the Petitioners/accused released on bail, there is every chance of absconding. Further contended that they are habitual offenders. Accordingly prayed for reject the bail application.

5. Arguments heard. Perused the records available before the court.

6. The points arose for my consideration are:

1. Whether the petitioners/accused
Nos.1 to 4 are entitled for bail u/s
439 of Cr.P.C.?

2. What order?

7. My findings to the above points are under:

Point No.1: **In the Affirmative**

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

REASONS

8. **Point No.1** :- According to the complainant, he had received credible information that these Petitioners along with two others were making

preparation to commit the offence of dacoity in Austin Town, Neelasandra, Bengaluru. The record it reflects that these Petitioners are arrested on the same day i.e. on 20.12.2020. They are produced before the Court on 21.12.2020 and since then these accused/petitioners are in judicial custody. In my opinion, there is no materials to show that these Petitioners are required for investigation. The apprehension of the prosecution is that if the Petitioners are released on bail there is chance of absconding. In my opinion, the apprehension of the prosecution can be meet out by imposing conditions. Accordingly I answered **point No.1** in **Affirmative**.

9. **Point No.2**: On the above findings, I proceed to pass the following:

ORDER

The petition filed by the petitioners **Syed Matheen** S/o.Syed Iqbal, **Dharma** S/o.Late Murugesh, **Maniganda Alias Motta** S/o.Late Murugesh and **Venkatesh Alias Vata Alias Kutty** S/o.Pullaiiah u/S.

439 of the Cr.P.C. with respect to Crime No.318/2020 of Ashok Nagar Police is hereby allowed with following conditions.

1. The petitioners shall execute personal bond for Rs.50,000/- each with one surety for like sum to the satisfaction of the committal court.
2. The Petitioners shall co-operate to the IO for investigation.
3. They shall put their attendance before the SHO, Ashkok Nagar Police Station on every 2nd Saturday and 4th Saturday between 10-00 am to 5-00 pm for six months.
4. They shall not tamper witnesses of the prosecution.
5. They shall not leave the jurisdiction of the court.
6. They shall furnish the documents before

the trial court for their residence proof.

(Dictated to the Judgment-writer, transcribed and computerized by him, corrected and pronounced by me in the open court on this the 12th day of January, 2021)

(Smt.K.G.Shanthi)
LVII Addl. C.C.& Sessions Judge,
M.H.Unit, Bengaluru.

Order pronounced in open court
(vide separate order)

ORDER

The petition filed by the petitioners **Syed Matheen** S/o.Syed Iqbal, **Dharma** S/o.Late Murugesh, **Maniganda Alias Motta** S/o.Late Murugesh and **Venkatesh Alias Vata Alias Kutty** S/o.Pullaiiah u/S. 439 of the Cr.P.C. with respect to Crime No.318/2020 of Ashok Nagar Police is hereby allowed with following conditions.

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LVII Addl. C.C.& Sessions Judge,
M.H.Unit, Bengaluru.