

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

Dated: This the 08<sup>th</sup> day of January, 2021

PRESENT:

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

**CRL.MISC. NO.25019/2021**

|                    |                                                                                                                                 |
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| <b>PETITIONER:</b> | Madan S/o Late Sundar,<br>Aged about 23 years,<br>Residing at 9 <sup>th</sup> Cross, M.V.Garden<br>Halasuru, Bengaluru-560 008. |
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(PLEADER BY: Sri. Venkatesh R., Advocate)

.. Vs ..

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| <b>RESPONDENT:</b> | <b>STATE BY,<br/>HALASURU POLICE STATION</b> |
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(BY PUBLIC PROSECUTOR)

**ORDERS ON BAIL APPLICATION**

*Petitioner who is arrayed as accused No.2 in C.C.  
No.54940/2020 on file of X Addl.CMM Bengaluru and in*

*judicial custody since 07-10-2020, file the petition u/s 439 of Cr.P.C. claiming the bail on the ground that.*

*2. The petitioner is innocent of alleged offence and he got valid and tenable grounds. He has been falsely implicated in the case. The case is registered for the statistical purpose. The alleged offence not punishable with death or life imprisonment. The petitioner hails from respectable family and got old aged parents to look after. The petitioner is the sole bread earner to the family. The petitioner is the permanent resident of Bengaluru. Accused No.1, 4, 5 & 6 were enlarged on bail. The petitioner is ready and willing to obey the conditions that may be imposed and ready to furnish the surety to guarantee the regular appearance before the trial court.*

*3. On being notified, the learned public prosecutor filed by the objection contending that there is sufficient material to the effect that petitioner involved in the commission of offence. If the accused is released on bail there is chance of his absconding. There is also chance of he threatening the prosecution witnesses.*

*The offence alleged against the accused is punishable up to 10 years. Thus prayed to deny the bail.*

*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 entitled for the regular bail?*

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

### **REASONS**

*6. The Halasuru police have laid the charge sheet against the petitioner and others alleging that they committed the offence punishable u/s 399 and 402 of IPC. The petitioner denied his involvement. The ld counsel of the petitioner reiterated the grounds urged in the petition and further argued that the petitioner is entitle for bail on parity grounds. The ld public prosecutor argued that if the petitioner is released on bail there is*

*chance of his absconding and also the chance of committing the similar offence.*

*7. It is settled the legal preposition that bail is a rule and jail is an exception and only in case of absolute necessity, the bail has to be denied. In the case on hand the investigation is completed. The alleged offence not punishable with death or life imprisonment. There is no allegation that petitioner involved in commission of other offence. The most of the witnesses are police witnesses and it is not possible to win over them or threaten. The keeping the petitioner in judicial custody during the course of trial is not required.*

*8. Added to this, the other accused involved in the case were enlarged on bail. Thus on parity grounds the petitioner is entitle for the bail. The apprehensions raised by the prosecution can be taken care of by imposing necessary conditions. Thus, court holds that the petitioner is entitle for the bail with neccessary 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 Cr. No.154/2020 (C.C. No.54940/2020) registered by the Halasuru Police for the offence punishable under section 399 and 402 of IPC, on execution of bail bond for a sum of Rs. 50,000/- with the 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 co-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 be 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 08<sup>th</sup> day of January, 2021].*

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