

**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 22nd day of March 2021

Crl.Misc.No.25375/2021

Petitioner: Mohammed Faizulla,
Aged about 23 years,
S/o Amir Pasha,
#85, Near Taj Complex,
4th Cross, Umar Nagar,
Glass Factory, K.G.Halli,
Bangalore-560 045.

(By pleader : Sri. Azeem Afsar Advocate)

V/s

Respondent: State by;
K.G.Halli Police Station
Bengaluru.

(By Public Prosecutor)

ORDERS

The present Petition is filed by the Petitioner who is accused No.1 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.405/2020 for the offences punishable under Section 399, 402 of IPC.

2. It is alleged in the complaint that, on 22.12.2020 at about 8.00 p.m., the Complainant received a credible information from some informant stating that near Angala Parameshwari Temple, Pillanna Garden, within the limits of K.G.Halli Police Station, Bangalore, some unknown persons have unlawfully assembled and armed with deadly weapons and were planning to attack the passersby and to loot them. The Complainant along with his staff and panchas raided the said spot and apprehended accused persons and seized the weapons. Hence, the complaint.

3. The Petitioner has contended that he is innocent of the alleged offences and he has been falsely implicated in the above case. The Petitioner hails from respectable family and he is the permanent resident of the address cited in the cause title of the

petition. The Petitioner is ready to abide by the conditions imposed by this Court and ready to co-operate with the IO for investigation. He 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 offences alleged against the Petitioner are under Section 399 and 402 of IPC. The contents of the FIR and other documents are treated as part and parcel of the objection. The IO after completion of investigation filed charge sheet in the present case. The Petitioner might tamper with the prosecution witnesses which would affect the trial of the case. If the Petitioner enlarged on bail he might abscond and commit similar. 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 Affirmative.

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

REASONS

7. The present petition is filed by the Petitioner who is the Accuse No.1 in the present case under Section 439 of Cr.P.C., for grant of bail in Cr.No.405/2020 for the offences punishable under Section 399 and 402 of IPC. In the present case, investigation is already over. The charge sheet is filed in the present case. No criminal antecedent is alleged by the Prosecution against the present Petitioner in its objection. The Accused is in judicial custody. As already charge sheet is filed, the Petitioner is not required for any further investigation of the present case. Considering the facts and circumstances of the present

case, this Court is of the view that the Petitioner is entitled for bail. By keeping the Accused behind the bar will not serve any purpose. The Petitioner undertakes to abide by any conditions that may imposed by this Court and also ready to furnish surety to the satisfaction of this Court. The Petitioner has contended that he is the permanent resident of the address mentioned in the cause title to the petition. All these facts have not been denied by the Prosecution in its objection. The apprehension of the Prosecution can be met with by imposing certain conditions. Hence, I answer Point No.1 in the Affirmative.

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

ORDER

The Petition filed by the Petitioner under Sec.439 Cr.P.C., is hereby allowed.

The Petitioner/accused No.1 Mohammed Faizulla S/o Amir Pasha is hereby entitled for bail in

Cr.No.405/2020 (C.C.No.54223/2020) of Kadugondanahalli Police Station for the offences punishable under Section 399 and 402 of IPC, on execution of personal bond for Rs.1,00,000/- with one surety for likesum to the satisfaction of Jurisdictional Magistrate on the following conditions:-

1) The Petitioner shall co-operative with IO in further investigation of the present case if any.

2) The Petitioner shall not tamper the prosecution witnesses in any manner.

3) The Petitioner shall not change his address without prior permission of this Court.

4) The Petitioner shall appear before the Court on every date of hearing.

5) The Petitioner shall produced his original residence proof at the time of execution of surety bond.

[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 **22nd day of March 2021**].

[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 Petitioner under Sec.439 Cr.P.C., is hereby allowed.

The Petitioner/accused No.1 Mohammed Faizulla S/o Amir Pasha is hereby entitled for bail in Cr.No.405/2020 (C.C.No.54223/2020) of Kadugondanahalli Police Station for the offences punishable under Section 399 and 402 of IPC, on execution of personal bond for Rs.1,00,000/- with one surety for likesum to the satisfaction of Jurisdictional Magistrate on the following conditions:-

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