

**IN THE COURT OF THE IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, MYSURU**

Dated this the 30th day of January, 2021

:: PRESENT ::

Sri S.T. Devaraja, B.Sc., LL.B.,
IV Addl. District & Sessions Judge,
Mysuru.

Crl. Mis. No.138 of 2021

Petitioners:

- 1) Sri Kirana,
S/o Rangaswamy,
Aged about 21 years,
- 2) Sri Rangaswamy,
S/o Bettaiah,
Aged about 45 years,
- 3) Smt. Putti,
W/o Rangaswamy,
Aged about 40 years,
- 4) Kum. Rakshitha,
D/o Rangaswamy,
Aged about 18 years,
- 5) Smt. Sundari,
W/o Krishna,
Aged about 35 years,

All are R/at Hanchya Village,
Mysuru Taluk & District.

(By Sri **M. Puttaswamy** – Adv.)

V/s

Respondent:

The State of Karnataka,
Rep. by Mysuru South Police
Station.

(By **Public Prosecutor**)

:: ORDERS ::

Vide Petition U/Sec. 438 of Cr.P.C., the Petitioners prayed for grant of bail in Cr.No.259/2020 of Mysuru South Police for the offences punishable U/Sec.323, 324, 354, 504 and 506 R/w Sec.34 of I.P.C.

2. The Petitioners have narrated the contents of the complaint and contended they apprehend arrest in Cr.No.259/2020, hence sought for anticipatory bail among other grounds. It is their contention, they are innocent, law abiding citizens and have not committed any offences much less the offences alleged by the Respondent Police. It is their contention, on bare reading of the complaint clearly proves the same is concocted just to harass and also contended the investigation is almost completed and they are not required for further investigation.

3. It is their contention, they are the residents of Mysuru Taluk having deep roots in the society, hails from a respectable family having movable and immovable properties with good reputation in the eye of society. It is

their contention, they are having wife, children and aged parents, the Petitioner No.1 is a student and the Petitioners No.2 to 5 are doing coolie. It is their contention, they are not responsible for the alleged incident directly or indirectly and on the instigation of persons who are not in good terms they have been falsely implicated.

4. It is also their contention, the Respondent Police are seriously searching with an intention to arrest and detain in the lock up and there is reasonable apprehension at any moment the Respondent Police may arrest and detain in the lock up and in that event their reputation will be lowered in the eye of public and they will be put to great hardship and inconvenience. It is their contention, they are ready to furnish surety to the satisfaction of the court and to abide by the conditions that may be imposed by the court and also contended the offences alleged are not punishable either with death or life imprisonment. In support of their contention, the Petitioners have produced the certified copy of the F.I.R. with complaint and spot mahzar. With all other grounds, the Petitioners prayed to allow the bail petition.

5. By referring to the contents of the complaint the learned P.P., has filed a detailed objection and contended the investigation is not completed and there is a prima-facie case against the Petitioners and also

contended about the necessity of the Petitioners for investigation. It is the objection, in the event of grant of bail there are every possibility of tampering the prosecution witnesses.

6. By disputing the grounds urged in the bail petition, it is the objection under any circumstances the Petitioners are not entitled for bail as they have made out false grounds for the purpose of the bail petition which are not tenable. It is also the objection, in the event of grant of bail there are every possibility of destroying the evidence and also contended the Petitioners have committed a heinous offence against a woman. With all other grounds prayed to reject the bail petition.

7. Heard. Perused the entire record.

8. The only point that arises for my consideration is;

(1) Whether the Petitioners have made out sufficient grounds for grant of bail?

(2) What Order?

9. My findings on the above points are as hereunder;

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

Point No.2: **As per order for the following;**

REASONS

10. POINT No.1:- By referring to the contents of the bail petition as well as the complaint, it was the submission of the learned Advocate for the Petitioners the complainant by name Smt. Sharada has lodged a false complaint without there being any incident. It was the submission, due to enmity the Petitioners have been falsely implicated and there are no ingredients to attract the provisions of IPC., as alleged by the complainant. It was the submission, the Petitioners are ready to abide by all the conditions that may be imposed by the Court and also ready to co-operate with the investigation and to furnish the surety to the satisfaction of the court. With all other grounds, prayed to allow the bail petition.

11. By referring to the contents of the complaint and the objection, it was the submission of the learned P.P., all the Petitioners have assaulted, abused in filthy language and made an attempt to outrage the modesty of the complainant and also threatened with dire consequences and thereby the Petitioners have committed the offences. It was the submission, under any circumstances the Petitioners are not entitled for bail as there are every possibilities of tampering the witnesses and they may not available for due investigation. With all other grounds, the learned P.P. prayed to reject the bail petition.

12. On consideration of the materials available on record reveals, on the complaint of Smt.Sharada a case is registered against the Petitioners for the offences punishable U/Sec. 323, 324, 354, 504 and 506 R/w Sec.34 of IPC., which are non bailable in nature. The contents of the complaint reveals about the commission of the offences by the Petitioners and they have also threatened the complainant with dire consequences. It is the undertaking of the Petitioners, they are ready to abide by the conditions that may be imposed by the Court and they are also ready to co-operate with the investigation and to furnish the surety before the Court.

13. The contents of the petition reveals about their apprehension of arrest and detention. It is forthcoming from the petition for the silly reason the incident said to have occurred. In the instant case, the grounds urged by the Petitioners are sustainable and tenable for grant of anticipatory bail. Admittedly, the investigation is pending and the presence of the Petitioners before the Investigation Officer is very much required and can be secured by imposing stringent conditions. In the case on hand, it can be said that there is prima-facie material to direct a pre-arrest bail in favour of the Petitioners. The materials available on record makes it clear there is no prima-facie case against the Petitioners and under the circumstances, the

Petitioners are entitled for grant of anticipatory bail with conditions.

14. The grounds urged by the petitioners in the bail petition are sustainable rather the grounds urged in the objection. Even by considering the materials available on record, at this stage by imposing stringent conditions the Petitioners are entitled for grant of anticipatory bail. For the reasons stated above, I am of the opinion to allow the bail petition. Accordingly, I answer POINT No.1 **AFFIRMATIVE.**

15. POINT No.2:- In the result, I proceed to pass the following;

ORDER

The Bail Petition filed U/Sec. 438 of Cr.P.C., by the Petitioners No.1 to 5 of Cr.No.259/2020 of Mysuru South Police Station is hereby ALLOWED, with the following conditions:

1. The I.O., is hereby directed to release the Petitioners in the event of their arrest in Cr.No.259/2020 of Mysuru South Police Station on executing personal bond for Rs.50,000/- (Fifty Thousand only) each and a surety for likesum with photo identity of the Petitioners and the surety.

2. The Petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
3. The Petitioners shall appear before the Court on all the dates of hearing without fail.
4. The Petitioners shall not leave the jurisdiction of this Court till the conclusion of trial without prior permission of this Court.
5. The Petitioners shall appear before the I.O of the concerned Police Station within 15 days from the date of this order and they shall put their attendance once in 15 days preferably on Saturday or Sunday between 10-00 a.m., to 04-00 p.m., till completion of the investigation.
6. It is ordered in the event of violation of any of the conditions, particularly, if the Petitioners fail to appear before the I.O., as directed the bail stand cancelled.

[Dictated to the Stenographer directly on computer, corrected, and signed by me and then pronounced in the Open Court, on this the **30th day of January, 2021**].

(S.T.DEVARAJA)

IV Addl. District & Sessions Judge,
Mysuru.