

**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 25th day of August, 2021.

Crl.Misc.No.25944/2021

**Petitioner/
(Accused No.2)** **Mr.Suhail Baig @ Babu,**
S/o Raheem Baig,
Aged about 27 years,
R/at Near Dominic School,
17th Cross, Govindapura,
K.G.Halli, Bengaluru-560 045.

[By Sri. T.G.Suresh, Advocate]

Crl.Misc.No.25949/2021

**Petitioner/
(Accused No.1)** **Asif @ Bottle Asif @ Prince Asif,**
S/o Inayath,
Aged about 38 years,
R/at No.672, 7th Cross,
Vinobhanagar, K.G.Halli,
Bengaluru.

[By Smt. Padmavathi, Advocate]

/Vs./

Respondent: State by **K.G.Halli Police Station,**
Bengaluru City.

[By Public Prosecutor]

**ORDER ON PETITION u/S. 439 Cr.P.C FILED BY THE
PETITIONERS.**

The respondent-police registered the case against the petitioners in Crime No.231/2021 for the offence punishable U/s.399 and 402 of IPC.

2. The brief facts of the case is that, on 12.08.2021 at about 07-45 P.M the Police Sub-Inspector of respondent police received the credible information that some five unknown persons are making preparations to commit dacoity near Chandrika Soap Factory, Kacharakanahalli, K.G.Halli, Bangalore. Hence, the complainant along with his staff went to the spot and confirmed that some persons are holding iron rod, one knife and making preparation to commit dacoity on the bypassers. Hence police have surrounded them and come to know that they are having an intention to commit crime.

3. Police have arrested these petitioners along with others and seized iron rod and one knife from the possession of the accused.

4. The petitioners stated that they are innocent and police have falsely implicated them. They also stated that the police have concocted the story and filed a case against them. Further stated that, they are only the bread earner to their family and they hailed from respectable family. They also stated that they are the permanent residents of Bangalore and they are ready to co-operate with the

investigation and ready furnish the surety to the satisfaction of the court. They have stated that they are ready to abide any of the conditions imposed by this court. Accordingly prays for grant of bail.

5. The learned PP filed objection stating that these Petitioners are habitual offenders; if for any reason they released on bail they will cause hurdle to the prosecution and repeat the offence in future. It is also stated there will be every chance of absconding if, they released on bail. It is stated by the prosecution that, investigation is not yet completed. Accordingly, prays to reject the bail application filed by the Petitioners.

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

7. The points arose for my consideration are:-

1. Whether the petitioners are entitled for bail u/s 439 of Cr.P.C.?
2. What order?

8. 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

9. **Point No.(1):-** According to Petitioners they have not committed any offence has alleged, on the other hand they are innocents.

10. The police not required these petitioners for investigation. The petitioners are in judicial custody. They are ready to abide any of the conditions imposed by this court. Whether, these accused involved in the crime or not should be established only after the investigation.

11. The apprehension of the prosecution that, these petitioners may tamper the witness and cause hurdle to this investigation can be meet out by imposing conditions. When these petitioners are not required for the investigation, there is no need to keep them behind the bar. There is no materials to show that they are influential. So, I am of the opinion that, it is fit to grant bail by imposing conditions. Hence, point No.1 answered in **Affirmative**.

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

ORDER

The petition filed by the petitioner ***Suhail Baig @ Babu*** S/o. Raheem Baig (in Crl.Misc.No. 25944/2021), ***Asif @ Bottle Asif @ Prince Asif*** S/o. Inayath (in Crl.Misc.No. 25949/2021) u/S. 439 of the Cr.P.C. with

respect to Crime No.231/2021 of K.G.Halli Police is hereby allowed with following conditions.

1) The petitioners shall execute personal bond for Rs.25,000/- with one surety for like sum to the satisfaction of the committal court.

2) Petitioners shall co-operate to the IO for investigation.

3) They shall put their attendance before the SHO, K.G.Halli Police Station once in a month on every second and fourth Sunday between 10-00 am and 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 then pronounced by me in the open court on this the 25th day of August, 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 petitioner ***Suhail Baig @ Babu*** S/o. Raheem Baig (in Crl.Misc.No. 25944/2021), ***Asif @ Bottle Asif @ Prince Asif*** S/o. Inayath (in Crl.Misc.No. 25949/2021) u/S. 439 of the Cr.P.C. with respect to Crime No.231/2021 of K.G.Halli Police is hereby allowed with following conditions.

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