

**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 17th day of August, 2021.

Crl.Misc.No.25899/2021

Petitioners:

1) Venkatesh @ Bonda,

S/o. Ramachandra,
Aged about 28 years,
R/at No.108, Opp. Garden City College,
Janatha Colony, Bhattaralli,
K.R.Puram, Bengaluru.

(Accused No.1)

2) Manjunath @ Sotta,

S/o. Ramu, Aged about 29 years,
R/at 2nd Cross, 2nd Main,
Srinivasa Layout, K.R.Puram,
Bengaluru.

(Accused No.2)

3) Naveen Kumar @ Gunda,

S/o. Somashekar, Aged about 20 years,
R/at 2nd Cross, 2nd Main,
Srinivasa Layout, K.R.Puram,
Bengaluru.

(Accused No.3)

[By Sri. M.Subramany, Advocate]

Vs.

Respondent: State by **K.R.Puram Police Station,**
Bengaluru City.

[By Public Prosecutor]

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

The Petitioners filed a petition and pray for grant a bail.

2. It is stated by the petitioners that the K.R.Puram police registered the case against them and others for the offence punishable u/s 399 & 402 of IPC in Crime No.215/2021.

3. The brief facts of the complaint that, complainant received credible information that on 31.07.2021 at about 4.15 a.m. the accused persons are planning to commit Dacoity near I.T.I. Bus depot Road by holding deadly weapons. Hence complainant along with other panchas and police officials went to the spot and surrounded the accused persons and arrested them and produced them before the officer of the respondent-police.

4. The petitioners have stated that they have not committed any offence and they are innocent and police have falsely implicated them for the said offence. It also stated that there is no reasonable ground to believe that they have committed offence. They are ready to abide any terms and conditions imposed by this court and ready to furnish to surety to the satisfaction of this court

for due appearance before the court. They undertake that they will cooperate with the IO for investigation. Further stated that the alleged offences are not punishable with death or imprisonment for life.

5. The learned PP filed his objection stating that the petitioners are habitual offenders. It is stated in the objection that if the petitioners are released on bail they will tamper the witnesses of the prosecution and there is a chance of absconding. Accordingly, prays for reject the bail application.

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 the prosecution, on 31.07.2021 at about 4.15 a.m. the accused persons are planning to commit Dacoity near I.T.I. Bus depot road by holding deadly weapons. Hence complainant along with other panchas and police officials went to the spot and surrounded the accused persons and arrested them and registered the case in Crime No.215/2021 for the offence punishable u/s 399 & 402 of IPC.

10. In this case no material produced before this court to show that the petitioners are habitual offenders. The alleged offences are not punishable with death or imprisonment for life. The petitioners are in judicial custody.

11. In this case, police have seized the property i.e. Autorickshaw, Knife, Chilly powder and iron long subject to P.F. No.79/2021. Accused are not required for investigation. The apprehension of prosecution that the petitioners/accused will tamper the witnesses of the prosecution and they may abscond, it will meet out by imposing stringent conditions. With above discussion I am of the opinion that it is fit to grant bail to the petitioners by imposing conditions. Accordingly 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 petitioners **Venkatesh @ Bonda, Manjunath @ Sotta and Naveen Kumar @ Gunda** u/S.439 of the Cr.P.C. with respect to Crime No.215/2021 of K.R.Puram Police is hereby allowed with following conditions.

1. The petitioners shall execute personal bond for Rs.25,000/- 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, K.R.Puram Police Station on every 2nd Saturday and 4th Saturday between 10-00am to 5-00pm 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 committal 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 17th 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

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