

**IN THE COURT OF THE XXIV ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH.20)**

Present:

Sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 2nd day of September, 2021

Crl.Misc.Nos.25903/2021

Petitioner/

Accused:-

Kuruva Siddaramappa
@ Siddalinga @ Kunta,
S/o Late Kuruva Somappa
@ Devindrappa,
Aged about 32 years,
R/a No.4-14A, B.C.Colony, Chinna
Hothur Village, Asvari Mandal,
Karnool District, Andra Pradesh

[By Sri.S.B.V-Advocate]

Vs.

Respondent:-

State by Pulakeshi Nagar Police
Station, Bengaluru City

[By Public prosecutor]

ORDER

The Petitioner has filed this Bail petition under
sections-439 of the Cr.P.C., praying for granting an

order of Regular bail in respect of the offences punishable under sections-302, 201 of the Indian Penal Code in Crime No.251/2020 of the Respondent - Pulakeshi Nagar Police Station, Bengaluru, charge sheeted in C.C.No.50577/2021 on the file of XI Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru.

2. Brief facts of the above bail petition are as under:-

Respondent Police have registered a case in Crime No.251/2020 for the offence punishable under sections 302, 201 of the Indian Penal Code. After completion of the investigation, charge sheet has been filed against the accused person/petitioner for the offences punishable under sections-302 and 201 of the Indian Penal Code. He has been falsely implicated in

the case. He is innocent of the offence alleged, though there is no iota of truth in the allegations made against him. Petitioner is in Judicial custody. The petitioner has deep roots in the society. Petitioner will not abscond or evade during trial. The petitioner undertakes to abide by the conditions that may be imposed by this court. On all these grounds, petitioner has sought for granting bail to him.

3. The objection filed by the prosecution to the above petition are as under:-

On the basis of the FIS filed by one Sri.Kareppa, Respondent police have registered a case in Crime No.251/2020 for the offences punishable under section-302, 201 of the Indian Penal Code against the accused person and after completion of the

investigation charge sheet has been filed for the offences punishable under sections 302, 201 of the Indian Penal Code. The petitioner has committed the offence alleged and the offence is punishable with imprisonment for life or death. If the petitioner is released on bail, there is likelihood of petitioner absconding from trial and obstructing investigation and he may also destroy the evidence and threaten or win over the prosecution witnesses. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the above bail petition.

4. Heard arguments.

5. In the circumstances, following points arise for determination are:

1. Whether the petitioner is entitled to an order of Regular Bail, as sought for?

2. What order?

6. My findings to the above points are under:

Point No.1 :- In the **negative**

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

R E A S O N S

7. Point No.1:- As per the charge sheet filed by the Respondent Police Station for the offences punishable under sections 302, 201 of Indian Penal Code, One Monappa @ Mounesh was working as Watchman cum Labourer in the building under construction situated at No.38/11 Miyami Avenue Road, within the jurisdiction of Pulakeshi Nagar Police Station. Accused/petitioner joined as Assistant to the

deceased Monappa through CW.13 on 12.10.2020. As the Accused/Petitioner was not working properly, deceased abuses and advises him. Due to the said enmity, Accused/petitioner on 31.10.2020 in the night at about 10.30 PM when the deceased was slept in the first floor of the building, Accused/petitioner assaulted the deceased with iron rod on his head and face and thereby heinously killed him. Then, took out the SIM Card from his TECNO KCI mobile and torn and thrown it with an intention to destroy the evidence and using said mobile phone by inserting the SIM Card of Air-tel company bearing No.9949529216. Hence, on the complaint of CW.1 Respondent Police have registered the case in Crime No.251/2020 for the offences punishable under section 302 and 201 of the Indian Penal Code. Subsequently, after investigation Respondent Police have filed charge sheet in

C.C.No.50577/2021 for the said offences. Petitioner is the sole accused.

8. Petitioner/Accused has been arrested on 04.11.2020 and he is in judicial custody.

9. The Petitioner has produced only certified copy of the title sheet of the charge sheet. Enclosures, statements, etc. of the charge sheet have not been produced for perusal. Offence alleged is under section 302 and 201 of the Indian Penal Code. In the absence of producing the certified copy of the entire charge sheet and enclosures it is not possible to appreciate the petition to decide whether there is prima facie case or not and whether it is a fit case to grant an order of bail in favour of the petitioner/Accused. Consequently, point **No.1 is answered in negative.**

10. Point No.3: On the above findings, I proceed to pass the following:-

ORDER

Bail Petition filed under section 439 of Cr.P.C. by the Petitioner/Accused **is hereby dismissed.**

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(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me on this the **2nd day of September, 2021**)

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(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ, Mayo Hall Unit,
Bengaluru.

Vk~

(Order pronounced vide separate order)

ORDER

Bail Petition filed under section 439 of
Cr.P.C. by the Petitioner/Accused **is hereby
dismissed.**

(D.S.VIJAYA KUMAR)

XXVI Addl.CC & SJ, Mayo Hall Unit,
Bengaluru.

