

**IN THE COURT OF THE XXVI 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 25th day of October, 2021.

Crl.Misc.No.25910/2021

Petitioner:- Vijay Kumar.A @ Lawrance
S/o Anthony,
Aged about 24 years,
No.207, 2nd Main, Policeappa
Building, Krishnayyanapalya,
Bengaluru

[By Sri.R.R-Advocate]

Vs.

Respondent:- State by Byappanahalli Police
Station, Bengaluru City

[By Public prosecutor]

ORDER

The petitioner has filed this bail petition under section-439 of the Cr.P.C., praying for granting an order of Regular bail in respect of the offences alleged under

sections-201 and 307 of the Indian Penal Code, in Crime No20/2021 of the Respondent-Byappanahalli Police Station, Bengaluru.

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

The respondent Police have falsely implicated him in the case. He is totally innocent of the offences alleged against him. He is in judicial custody. Offences are not punishable with imprisonment for life or death. He has valid and tenable defence. He has not committed any offences as alleged. He is ready to offer solvent sureties and abide by any conditions. Thus, the petitioner has sought for enlarging him on bail.

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

The Respondent Police have registered a case in Crime No.20/2021 for the offences under sections- 201

and 307 of the Indian Penal Code, against the Accused. The Petitioner has committed the above offences. If the petitioner is released on bail, he may abscond permanently and also commit similar offences and abscond from trial. The Offences are punishable with death or imprisonment for life. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the bail petition.

4. Heard arguments and also perused the records.

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

1. Whether 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 FIR registered for the offences punishable under sections 201 and 307 of the Indian Penal Code, informant – Krithika married the Petitioner/Accused and residing in a rented house at Garebhavi Palya within the jurisdiction of Bommanahalli Police Station. When accused's uncle came to his rented house and talked to his wife/CW.1 and suspected his wife and vacated the said house and came over to another rented house at No.207, Venkateswara Nilaya, 6th Cross, 1st Main Road, Krishnaianapalya, Byappanahalli and on suspicion on his wife that she is having illicit relationship with his

uncle Peter, on 13.01.2021 in the morning at 3.00 AM the petitioner/Accused picked up quarrel with his wife and assaulted his wife with a knife on her neck, stomach, chest, and private parts and also assaulted on her head with a stick and made an attempt to kill her. In view of the above, based on the complaint of the wife of the Petitioner/Accused, above FIR has been registered.

8. The allegations in the FIR shows that the Petitioner/Accused being husband of the informant suspected her of having illicit relationship with his uncle and tried to kill her and for the same he stabbed the informant on her ear, neck, chest, thighs, private parts, face and eyes. As such, the allegations are very serious and prima facie it is seen that the

Petitioner/Accused has made attempt to murder the informant by suspecting her fidelity.

9. The petitioner has not produced certified copy of complete charge sheet before the court. Only title sheet of the charge sheet has been produced. Therefore, it is not possible to appreciate the entire case of the prosecution in the absence of non production of entire charge sheet materials before the court. In these circumstances, I am of opinion that it is not a fit case to grant bail to the Petitioner. Consequently, **point no.1** is answered **in the negative**.

10. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Bail petition filed by the petitioner/
Accused under Sec.439 of the Cr.P.C **is**
hereby rejected.

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(Dictated to the Stenographer, transcribed by him and
computerized and then corrected and pronounced by
me on this the **25th day of October, 2021**)

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

(Order pronounced vide separate order)

ORDER

Bail petition filed by the petitioner/
Accused under Sec.439 of the Cr.P.C is
hereby rejected.

(D.S.Vijaya Kumar)
XXVI ACC & SJ, Mayo Hall,
Bengaluru.