

IN THE COURT OF PRL. SESSIONS JUDGE AT MANDYA

Dated this 5th day of July 2016.

PRESENT

**SRI. BASAVARAJ S.SAPPANNAVAR, B.A., LL.M.,
PRL.SSESSIONS JUDGE, MANDYA.**

Crl.Misc. No.546/2016

- Petitioners
1. Nanjegowda S/o Nanjundaiah,
aged about 55 years,
 2. Masthigowda S/o Nanjundaiah,
aged about 52 years,
 3. Kumara S/o Nanjundaiah,
aged about 35 years,
 4. Ramesha S/o Vishakantegowda,
aged about 30 years,
 5. Abhi @ Nanjundaswamy S/o
Nanjundaiah, aged about 28 years,
 6. Ramesha S/o Kalappa,
aged about 25 years,

All are residents of D.Malligere
village, Koppa Hobli, Maddur Taluk,
Mandya District.

(By Sri Keerthi.P.S, Advocate)

-Vs.-

Respondent State by State by Koppa Police Station

(By the Public Prosecutor, Mandya)

ORDER

This is a petition filed under section 438 of Cr.P.C seeking for grant of anticipatory bail in favour of the petitioners.

2. The Learned Public Prosecutor has resisted the petition.

3. The point for my consideration is;

*Whether the petitioners are entitled for grant
of anticipatory bail as sought?*

REASONS

4. I have a frugal vision on the records. The allegations slapped against the petitioners are;

That on 28-05-2016 at about 11-00 a.m., at D.Malligere village, the petitioners came a group and abused the husband of the complainant in filthy language and assaulted him with stone and when the complainant came to separate, they abused her in filthy language and caught hold of her hairs and dragged her to and fro and assaulted her with stone and also assaulted on her cheek and the witnesses came and separated the scuffle and the petitioners put them under threat of life and basing on the

complaint, a case came to be registered for the offences punishable under sections 143, 147, 323, 324, 504, 354 and 506 of IPC read with section 149 of IPC.

5. Except the offence punishable under section 354 of IPC, the other alleged offences are bailable. Further, all the alleged offences are triable by the Court of Magistrate. The learned counsel for the petitioners has produced the copy of the FIR in Crime No.106/2016 of Koppa Police Station, which unfurls the fact that Smt. Gundamma, who is the wife of the 1st petitioner herein, has lodged the said complaint against the complainant herein and the others. Hence, the cloud becomes cleared to hold that there is case and counter-case. Hence, having a look on these facts, I accentuate that there lays no embargo to consider the petition.

In the result, I proceed to pass the following;

ORDER

The petition filed under section 438 Cr.P.C is hereby allowed granting the anticipatory bail in favour of the petitioners holding that in the event of their arrest in Crime No.105/2016 of Koppa Police Station, they shall be released on bail on executing their personal bond for Rs.50,000/- each with one surety for the like-sum on the following conditions;

- (1) The petitioners No. 1 to 6 shall give their attendance to the Police Station concerned on every Sunday between 10-00 AM and 5-00 PM for a period of one month.**
- (2) The petitioners No.1 to 6 shall be easily available to the I.O whenever their presence is required for the purpose of investigation.**
- (3) The petitioners No.1 to 6 shall not tamper with the prosecution witnesses.**
- (4) The petitioners No.1 to 6 shall not come in the way of the fair investigation of the case.**
- (5) The petitioners No.1 to 6 shall not get themselves involved in any other criminal activities.**

(Dictated to the Stenographer, transcript computerized by him is corrected and signed by me on this 5th day of July 2016).

**(Basavaraj S.Sappannavar)
Prl. District and Sessions Judge,
Mandya.**

***DS**