

**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 19th day of October, 2020

Crl.Misc.No.25481/2020

- Petitioners:-**
1. Ishaq Khan
S/o Yakoob Aseem Khan,
Aged about 20 years,
R/at No.314, 5th Cross,
GulshaniBagadidi Majid, Near Govindapur
Bengaluru -560045.
 2. Salman Qurashi,
S/o Ghouse Qurashi,
Aged about 22 years,
R/at No.65, 4th Cross,
'C' Block, Reshad Nagar,
A.C. Post, Bangalore-560009.

[By Sri. Ashok D.S Advocate]

Respondent: State by KG Halli,
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 that the KG Halli Police registered a case against him for the offence punishable u/s 302, 143, 147, 148 r/w 149 of IPC in crime No.149/2020.

3. Brief facts of the case are that on 30-05-2020 at about 07-00PM Asgar @ syed Umar, Adnan, Faizon, Touheed were sitting in the shop of one Basheer at 14th Cross, by that time Sameer, Tabarez, Shoheb, Isaak, Salman, Farman, Anees and other came in a two wheelers and picked up a quarrel with the deceased and others on the history of filing a complaint lodged on them on 28-05-2020. And abuse them in filthy language and saying that how dare to lodge a complaint against them. The accused Sameer holding a knife and Tabarez was holding long (ಛಾಂಕ್) assaulted Asgar on his left side, when Asgar fell down. The petitioners, Salman, Farman, Anees and others assaulted Asgar with their hands and legs. Asgar sustained injury hence, the complainant and his friends took him to Ambedkar Hospital and during the course of treatment he succumbed. After complaint police have registered the case against the accused persons and arrested them.

4. The petitioners are accused No.4 & 5 who are in judicial custody since 20-06-2020.

5. The petitioners stated that the police have registered the false case against him and complaint has been lodged on the

previous enmity with this petitioners alleging that he assaulted Asgar with his hands and legs. It is stated by the petitioners that at no point of time he was holding dangerous weapon and not abused the deceased and not assembled with other accused persons.

6. The petitioners are stated they are hailed from the respectable family and deep roots in the society. They will not abscond or delay the proceedings.

7. The learned pp filed his objection and he has stated that the accused persons with previous enmity with the deceased, assaulted with an intention to kill. It also stated that the investigation is not yet completed. The police yet to recover the weapons and vehicle used by the accused for the commission of crime. If the accused is released on bail he will tamper the witnesses of the prosecution and hamper the trial. There is a chance of absconding. Hence, prays to dismiss the petition filed by the petitioners.

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

9. 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?

10. My findings to the above points are under:

Point No.1: In the Negative

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

REASONS

11. On perusal of the order sheet produced by the petitioners in crime No.149/2020 on the file of 11th ACMM Bengaluru, it reflects these petitioners are produced before the court and they are in judicial custody. Memo with copy of the charge sheet filed by the petitioners. It reflects that after investigation police have filed charge sheet with respect to crime No.149/2020.

12. The records does not reflects these petitioners with common object to commit the murder of Asgar and with an intention to commit a murder they assaulted with their hands and legs on Asgar. There is prima facie materials before the court at this stage to show that these petitioners involved for the commission of the offence. The accused No. 2 & 3 are absconding. The remaining accused are in judicial custody.

13. The apprehension of prosecution that the petitioners/accused will tamper the witnesses of the prosecution and they may abscond. The alleged offences are punishable with death or imprisonment for life. Nothing material placed by the

petitioners to show that they are having deep roots in the society. Record reflects these petitioners with their common object along with other accused persons formed unlawful assembly for the commission of offence. If for any reason these accused granted with bail there is every chance of absconding and they will tamper the witness of the prosecution and hamper the trial. There is a chance of assisting the others accused persons and cause obstructions to trace out the remaining accused. With the above discussions I am of the opinion that the petitioners are not entitle for bail. Accordingly point No.1 answered in Negative.

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

ORDER

The petition filed by the petitioners Ishaq Khan and Salman Quarashi u/s 439 of the Cr.P.C. with respect to Crime No.149/2020 of KG Halli Police is hereby dismissed.

(Dictated to the Stenographer, on computer directly typed by her, corrected and pronounced by me in the open court on this the 19th day of October, 2020)

(Smt.K.G.Shanthi)

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

Order pronounced in open court
(vide separate order)

ORDER

The petition filed by the petitioners Ishaq Khan and Salman Quarashi u/s 439 of the Cr.P.C. with respect to Crime No.149/2020 of KG Halli Police is hereby dismissed.

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