

**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 10th day of August, 2020.

Crl.Misc.No.25480/2020
& Crl.Misc.No.25482/2020

Petitioner
in Crl.Misc. No.
25480/2020:-

Althaf Ahmed
Son of Taj Ahmed
Occ : Painter,
Aged about 28 years,
R/a No.8/2, 1st Cross, Malick Sab
Road, Ayoydhadas Nagar,
D.J.Halli,
Bangalore-560 045

[By Sri.AAK-Advocate]

Petitioner
in Crl.Misc. No.
25482/2020:-

Ruhit Hussain
Son of Ashraf Hussain,
Aged about 22 years,
No.281, 2nd Main Road, Anwar
Layout, Ambedkar Hospital,
Bengaluru North Arabic
College, Bangalore-45.

[By Sri.M.T-Adv.]

Vs.

Respondent:-

State by Devara Jeevana Halli
Police Station, Bengaluru City
[By Public prosecutor]

COMMON ORDER

Petitioner in Crl.Misc.No.25480/2020 and Petitioner in Crl.Misc.No.25482/2020 have filed these bail petitions under section-439 of the Cr.P.C., praying for granting an order of Regular bail in respect of the offences alleged under sections 143, 144, 147, 148, 307, 324, 326, 504, 506 read with sec. 149 of Indian Penal Code, in Crime No.152/2020 of the Respondent-D.J.Halli Police Station, Bengaluru.

2. Brief facts of the bail petitions in common are as under:-

Respondent Police have falsely implicated them in the case. They are totally innocent of the offences alleged against them. They are in judicial custody. Offences are not punishable with imprisonment for life or death. They have valid and tenable defence. They have not committed any

offences as alleged. Thus, petitioners have sought for enlarging them on bail.

3. Objections filed by the prosecution to the above petitions in common, are as under:-

Respondent Police have registered a case in Crime No. 152/2020 for the offences under sections 143, 144, 147, 148, 307, 324, 326, 504, 506 read with sec. 149 of Indian Penal Code, against the Accused persons. Investigation is still under progress. Petitioners have committed the above offences. If the petitioners are released on bail, they 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 petitions.

4. Heard arguments and also perused the records.

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

1. Whether petitioner in Crl. Misc. No.25480/2020 is entitled to an order of Regular Bail, as sought for?

2. Whether petitioner in Crl. Misc. No.25482/2020 is entitled to an order of Regular Bail, as sought for?

3. What order?

6. My findings to the above points are under:-

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

Point No.2 :- In the **affirmative**

Point No.3:- As per final order for the following:-

R E A S O N S

7. Point Nos.1 & 2:- The Respondent police have registered the FIR in Crime No.152/2020 on 08.07.2020 for the offences under sections-506, 504, 324 read with Sec.34 of Indian Penal Code, against one Asif, Faiz and Ruhit. The FIS has been submitted by one V.Vijay. As per the FIS, on 5.7.2020 at about 9 PM near Lurthan Church Visveswaraiah Nagar Main Road, informant had pacified a scuffle between the accused persons and sent them. Having enmity on the said issue, on 7.7.2020 in the night at 9.45 PM when the informant was talking with his friends Arun Kumar and Ajith, accused persons came there and abused the informant and his friends stating that by settling the previous quarrel they wanted to become leaders in the area and thus accused persons assaulted the informant and his friends with long on

their head, hands and back and also posed life threat and ran away. They took treatment and filed the FIS before the Respondent Police Station. Arun Kumar suffered severe head injuries and took treatment at NIMHANS.

8. Records show that I.O. later submitted a Report on 14.07.2020 and 21.07.2020 stating that Medical report shows that grievous injuries are suffered by the informant and his friends and has thus prayed for incorporating the offences under sections 302 and 326 of Indian Penal Code in addition to the offences already alleged in the FIR.

9. Now, the I.O. has produced his Report along with C.D. Extracts of Part-I to XV. In the CD extracts nature of the grievous injuries allegedly suffered by the injured persons has nowhere been mentioned. So, except for alleging that in the Medical report

collected injuries are shown as grievous in nature, details of the same is not mentioned either in the report of the I.O. or the C.D. extracts. On the other hand, Part-IX of the C.D. extract finds mention that all the injured have recovered from the injuries and their life is not under any threat. Petitioners who are Accused Nos.1 and 4 have been arrested on 22.07.2020 and 23.07.2020 respectively. Their voluntary statement have been recorded and alleged weapon used in the offence have been recovered at their instance. As such they are no longer required for any further investigation particularly custodial interrogation. As they have been in judicial custody since quite sometime and C.D. extracts show that injured have fully recovered from the alleged injuries, having regard to the facts and circumstances of the case, as the details of injuries is also not clearly mentioned, I am of opinion that by imposing

appropriate conditions, Petitioners/Accused Nos.1 and 4 may be enlarged on bail. Consequently, Point Nos.1 & 2 are answered in the **affirmative**.

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

ORDER

Bail Petitions filed under Sec.439 of the Cr.P.C by the Petitioner in Crl. Misc.No.25480/2020 and Petitioner in Crl.Misc.No.25482/2020 **are hereby allowed.**

Petitioners/accused Nos.1 and 4 respectively in Crime No.152/2020 of Devara Jeevana Halli Police Station, Bengaluru, are hereby enlarged on bail for the offences under sections-143,

144, 147, 148, 307, 324, 326, 504, 506

read with sec. 149 of Indian Penal Code,

subject to the following conditions:-

1) Petitioners/accused Nos.1 and 4 respectively shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

2) Petitioners shall co-operate in the investigation of the case.

3) Petitioners shall not abscond from the trial and commit similar or other offences.

4) Petitioners shall execute personal bond for a sum of Rs.50,000/- each and

furnish one surety in like sum
to the satisfaction of the
Learned 11th Additional Chief
Metropolitan Magistrate, Mayo
Hall Unit, Bengaluru.

Keep the original of this Order in
Crl.Misc.No.25480/2020 and certified
copy thereof, in Crl.Misc.No.25482/
2020.

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(Dictated to the Stenographer, transcribed by him
and computerized and then corrected and
pronounced by me in the open court on this the **10th
day of August, 2020**)

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

(Order pronounced vide separate Order)

COMMON ORDER

Bail Petitions filed under Sec.439 of the Cr.P.C by the Petitioner in Crl. Misc. No.25480/2020 and Petitioner in Crl. Misc.No.25482/2020 **are hereby allowed.**

Petitioners/accused Nos.1 and 4 respectively in Crime No.152/2020 of Devara Jeevana Halli Police Station, Bengaluru, are hereby enlarged on bail for the offences under sections-143, 144, 147, 148, 307, 324, 326, 504, 506 read with sec. 149 of Indian Penal Code, subject to the following conditions:-

1) Petitioners/accused Nos.1 and 4 respectively shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

2) Petitioners shall co-operate in the investigation of the case.

3) Petitioners shall not abscond from the trial and commit similar or other offences.

4) Petitioners shall execute personal bond for a sum of Rs.50,000/- each and furnish one surety in like sum to the satisfaction of the Learned 11th Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru.

Keep the original of this Order in Crl.Misc.No.25480/2020 and certified copy thereof, in Crl.Misc.No.25482/ 2020.

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