

**IN THE COURT OF THE XXVIII ADDL. CITY CIVIL & SESSIONS
JUDGE
Mayo Hall, Bengaluru, [CCH.NO.29]**

Present: - Sri. Krishnaji Baburao Patil, B.Com.,LL.B.,(Spl.)

Dated: This the 21st day of August 2020

Crl.Misc.No.25479/2020

Petitioner: Ravi,
Aged about 22 years,
S/o Venkatesh,
R/at #41, 2nd Cross,
Behind KG Halli Police Station,
Vinobhanagar,
Bengaluru.

(Pleader By : Sri. Tejas H)

.. Vs ..

Respondent: The State of Karnataka by
Bharti Nagar Police Station,
Bengaluru.

(By Public Prosecutor)

ORDERS

The present Petition is filed by the Petitioner under Section 439 of Cr.P.C., for granting regular bail on the ground that the Respondent Police have registered case against the accused in

Cr.No.72/2020 for the offences punishable under Section 394 r/w Section 34 of IPC.

2. The case of the Prosecution is that, on the basis of the complaint of one Dinesh Vasudev Kalra alleging that on 2.7.2020 at about 10.30 p.m., when the Complainant was returning home in his Santro Car bearing No.KA-05-MB-8037 near St. Jonhs Road four unknown persons came in White Car waylaid the Complainant Car and one person hit on the Complainant's Car and damaged the car glass and tried to commit dacoity and when the Complainant tried to resist the same, one of the accused took out knife and caused injury on the right shoulder of the Complainant and took key of the Complainant's Car and left the place with Complainant's car. In the said Car the Complainant had kept one SAMSUNG S7 and S10 mobile phone and cash of Rs.50,000/-.

3. The Petitioner has contended that he is innocent of the alleged offence. The entire materials placed before the Hon'ble Court are not prima-facie sufficient to hold that this Petitioner has committed any offence as alleged by the Prosecution. The Petitioner has been falsely implicated in this case. The Accused

person has not attempted to cause hurt or committed any robbery. The Petitioner is ready to abide by the conditions imposed by this Court and ready to co-operate with the IO for investigation. He will undertake not to tamper with the prosecution witnesses. Hence, prayed to allow the Petition.

4. For the said Petition the Learned PP has filed objections in detail denying the contents of the Petition specifically as baseless and contended that the offences alleged against the Petitioner is under Section 394 r/w Section 149 of IPC. The contents of the FIR and other documents are treated as part and parcel of the objection. The present case is still under investigation and further investigation is in progress and the Petitioner is required for investigation. The Police have seized the car and two mobile phones from he accused. The Petitioner might tamper with the prosecution witnesses which would affect the trial of the case. If the Petitioner enlarged on bail he might be abscond and commit similar offence. Hence, prayed to dismiss the application.

5. On the basis of the above, the point that arises for

my consideration are:-

- 1) Whether the Petition deserves to be allowed?
- 2) What order?

6. My answer to the above points are :

Point No.1 : In the Affirmative.

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

REASONS

7. The offence alleged against the Petitioner is under Section 394 r/w Section 34 of IPC. The present Petitioner is arrested on 5.7.2020 and remanded to judicial custody. In the complaint and FIR the name of the Petitioner has not been mentioned. The Police have arrested the Petitioner on the basis of the voluntary statement of co-accused. The said statements were also not produced by the PP in the present case. On perusal of the CD produced by PP along with the objection, no overt act is alleged against the present Petitioner. The Petitioner is aged about 22 years as shown in the cause title of the Petition and he is resident of Bengaluru. This accused was not arrested by the Respondent Police. But he was taken to judicial custody

in this case by obtaining body warrant from the other case. The incriminating materials are already seized by the IO and accused was remanded to JC. Hence, it is clear that Petitioner is not necessary for further investigation of the present case. Considering the facts and circumstances of the present case, this Court is of the view that the Petitioner is entitled for bail as prayed for in the present petition. The apprehension of the Prosecution can be met with by imposing stringent conditions. Hence, I answer Point No.1 in the Affirmative.

8. **Point No.2**:- In the result, this Court proceeds to pass the following:-

ORDER

The Petition filed by the Petitioner under Sec.439 Cr.P.C., is hereby allowed.

The Petitioner / accused Ravi S/o Venkatesh is hereby entitled for bail in Cr.No.72/2020 of Bhrathi Nagar Police Station for the offence under Section 394 r/w Section 34 of IPC, on execution of personal bond for Rs.1,00,000/- with one surety for likesum to the satisfaction of Jurisdictional Magistrate on the

following conditions:-

1) The Petitioner shall co-operative with IO in investigation of the present case.

2) The Petitioner shall not tamper the prosecution witnesses in any manner.

3) The Petitioner shall not leave the jurisdiction of this Court without prior permission.

4) The Petitioner shall not change his address without prior permission of this Court.

5) The Petitioner shall appear before the Court on every date of hearing.

6) The Petitioner shall produced his original residence proof at the time of execution of surety bond.

[Dictated to the Stenographer, thereafter transcribed and typed by the Stenographer and the same was corrected, signed and then pronounced by me in the open Court on this the **21st day of August 2020**].

[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

Orders pronounced in open court
as under (vide separately):-

ORDER

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[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.