

**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 13th day of October, 2021

Crl.Misc.No.26084/2021

**Petitioners/
Accused Nos.2
and 3:-**

1. Sri.Naveen Kumar.H.K.
S/o Sri.Konda Reddy.H.D.,
Aged about 34 years,
R/a. No.109, 2nd Cross, Old
Masjid Road, Hoodi,
Bengaluru 560 048
2. Smt.Yashoda.V.,
W/o Sri.Konda Reddy H.D.,
Aged about 50 years,
R/a. No.109, 2nd Cross, Old
Masjid Road, Hoodi, Bengaluru
560 048

[By Sri.G.V.B-Adv]

Vs.

Respondent:-

The State of Karnataka, by
Mahadevapura Police Station ,
Bengaluru

[By Public Prosecutor]

ORDER

Petitioners 1 and 2 have filed this petition under section 438 of the Cr.P.C. praying for granting an order of anticipatory bail in respect of the offences alleged under sections-323, 324, 326, 506, 504 read with Sec.34 of the Indian Penal Code, in crime No.242/2021 of Mahadevapura Police Station, which is registered on the basis of the complaint of one Smt.Puttamma.

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

On the basis of the complaint lodged by one Smt.Puttamma with the Respondent Police station, against one Madhukar and two others for the alleged offences under sections-323, 324, 326, 506, 504 read with Sec.34 of the Indian Penal Code, respondent Police have registered a case in Crime No.242/2021, for the above said offences. Now, based on the false

complaint, Respondent Police are making attempt to arrest them in the case. It is also stated that, they are very much innocents about the alleged complaint allegations. They are very much innocents of the alleged complaint allegations. They have deep roots in the society and if they are arrested they will be subjected to harassment as a false case has been registered against them. Offences are not punishable with imprisonment for life or death. They have undertaken to abide by any conditions that may be imposed by the court. Hence, on these grounds, Petitioners have sought for granting an order of Anticipatory bail by allowing this bail petition.

3. Objection filed by the prosecution to the petition is as under:

On the basis of the complaint lodged by one Smt.Puttamma, Respondent Police have registered a case in Crime No.242/2021 for the offences

punishable under sections-323, 324, 326, 506, 504 read with sec.34 of the Indian Penal Code, against petitioners and another who are Accused Nos.1 to 3. As could be seen from the complaint, in crime No.242/2021 of Mahadevapura Police Station, which is registered for the above said offences, accused persons have committed the offences alleged. If the petitioners are granted an order of Anticipatory bail, there is likely hood of petitioners tampering the prosecution evidence and threatening the witnesses and they may abscond from trial. Therefore, petitioners are not entitled to an order of anticipatory bail as sought for. Hence, the learned Public Prosecutor has sought for rejection of the bail petition.

4. Heard arguments.

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

1) Whether the petitioners 1 and 2 are entitled to an order of anticipatory bail as sought for?

2) What order?

6. My findings on the above points are under:

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

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

REASONS

7. Point No.1:- As per the FIR registered in the Respondent Police Station for the offences punishable under sections 323, 324, 326, 506, 504 read with sec. 34 of the Indian Penal Code, against the Accused Nos.1 to 3, informant's son Sharath was doing delivery work of Milk and Ghee through Country Delight App. On 22.09.2021 her son told that he will collect money regarding delivery of milk and ghee and went away. At about 8 PM in the night on the same day, her son in law by name Manikanta

called over phone by stating that her son Sharath was assaulted by Madhukar Naveen Kumar and Yashoda. She went to the house of the accused persons and came to know from her son that when her son had been to collect the money regarding delivery of ghee, the accused persons assaulted him with hands and mobile phone on his face and forehead and abused him and also caused life threat. In view of the same, FIS is therefore submitted. On the basis of the FIS so submitted, respondent police have registered the FIR in Crime No.242/2021 against the Accused Nos.1 to 3 for the offences punishable under sections-323, 324, 326, 506, 504 read with Sec.34 of the Indian Penal Code. Petitioners 1 and 2 are shown as Accused Nos.2 and 3 respectively in the FIR.

8. The Petitioners have produced certified copy of the FIR, FIS, order sheet in Crime No.242/2021

and copy of the Adhara Cards of the petitioners. As the FIR discloses that on 22.09.2021 at 7.30 PM when the informant's son went to deliver the ghee to the house of the Accused No.1, Accused No.1 and his elder brother Accused No.2 picked up quarrel and assaulted with hands and mobile phone on his face and forehead. They also threatened to do away with his life. The informant's son later informed about the incident to the informant and he took the injured to the hospital and then on the next day he submitted the complaint. The Petitioners 1 and 2 are Accused Nos.2 and 3 in the case. The allegations do not show that any weapon was used in the incident. In a spur of moment it seems the incident has taken place and the assault is said to have been made by Accused Nos.1 and 2 with hands and mobile phone. The Accused No.1 has already been granted regular bail

as per the Certified copy of the order produced in Crime No.242/2021.

9. Therefore, I am of the opinion that by imposing appropriate conditions, Petitioners 1 and 2/Accused Nos.2 and 3 may be granted an order of Anticipatory Bail. Consequently, Point No.1 is answered in **affirmative**.

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

ORDER

Bail petition filed by Petitioner Nos.1 and 2/Accused Nos.2 and 3 under section 438 of the Cr.P.C. **is hereby allowed** by granting an order of anticipatory bail, subject to the following conditions:-

- 1) Petitioners 1 & 2 shall co-operate with the investigation and

shall give attendance before the I.O
on every alternative Sunday of the
month between 10 a.m. and 1 p.m.,
till the Final Report is filed.

2) Petitioner Nos.1 and 2 shall
co-operate with the investigation.

3) Petitioner Nos.1 and 2 shall
not commit similar offences or any
other offences.

4) Petitioners 1 and 2 shall
furnish proof of their residential
address and shall inform the court
if there is any change in the
address.

5) Petitioner 1 and 2 shall not
threaten the prosecution witnesses

or tamper with the prosecution evidence.

6) Petitioner Nos.1 and 2 in the event of their arrest in Crime No.242/2021 of Mahadevapura Police station, Bangalore shall be released on bail on obtaining their personal bond for Rs.50,000/- each with one surety for the like sum.

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(Dictated to the Stenographer, transcribed by him, then corrected and pronounced by me on this the **13th day of October, 2021**)

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(D.S.Vijaya Kumar)
XXVI Addl.CC & SJ, M.H.Unit,
Bengaluru.

(Order pronounced vide separate order)

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**(D.S.Vijaya Kumar),
XXVI ACC & S J, Bengaluru**

