

**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 8th day of October, 2020.

Crl.Misc.No.25734/2020

Petitioner:- Mohammed Imran,
Aged 20 years,
S/o Afsar Ali,
R/a No.63, 1st Cross,
Anneplay, Bangalore.

[By Sri.M.J.I.-Adv]

Vs.

Respondent:- State by Ashok Nagar Police
Station, Bengaluru City.

[By Public prosecutor]

ORDER

Petitioner has filed this petition U/s.438 of
Cr.P.C. praying for granting an order of anticipatory
bail in respect of the offences alleged under

sections-307, 323, 324, 341, 506 read with sec.34 of Indian Penal Code, in Crime No.186/2020 of the Respondent - Ashok Nagar Police Station, Bengaluru.

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

Respondent Police have falsely implicated him in the case. He is totally innocent of the offences alleged against him. His name is not mentioned in the FIR. Offences are not punishable with imprisonment for life or death. He has valid and tenable defence. He has not committed any offences as alleged. He is ready to offer solvent sureties and abide by any conditions and there are no overtacts attributed against him. Now, the police are searching to arrest him. He is the sole bread earning member of his family. Thus, petitioner has sought for granting an order of Anticipatory Bail.

3. Objections filed by the prosecution to the above petition, are as under:-

Respondent Police have registered a case in Crime No.186/2020 for the offence punishable under sections- 307, 323, 324, 341, 506 read with sec. 34 of Indian Penal Code. Investigation is still under progress. Petitioner has committed the above offences. If the petitioner is granted Anticipatory Bail he may abscond permanently and also commit similar offences and abscond from trial. Offences are punishable with death or imprisonment for life. Hence, on these grounds, 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 Petitioner is 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 FIR registered in Crime No.186/2020 of the Respondent Ashok Nagar Police Station based on the statement recorded by one Zameer Pasha, it is alleged that on 5.8.2020 at 9.40 PM when the informant was sitting in his friend's

auto rickshaw, one Kamaruddin, Irfan, Kul Kul and others came in motorcycles and suddenly attacked him and his friend and they assaulted the informant with a dagger on his right shoulder and also assaulted his friend Fayaz Ahamed on his forehead with a long and accused persons caused life threat stating that they will murder the brother of the informant by name Nazu and went away. Informant his friends were shifted by to St.Philominas Hospital. Based on the said FIS, Respondent Police have registered the above crime against one Kamaruddin, Irfan and Kulkul.

8. In this case, except filing the objections, prosecution has not produced any materials against the petitioner to involve him in this case. Name of the petitioner is not mentioned in the FIR. No overtact is attributed against this petitioner

Mohammed Imran. Apart from that, I.O. has filed an application before 29th ACMM seeking permission to insert the offence under section 307 in the case. I.O. has filed another application seeking Body warrants in respect of Accused No.3/Salman @ Shathal, Accused No.4/Simon Gabrial, Accused No.5-Irfan, Accused No.6-Harish @ Kul Kul and Accused No.7-Shaik Shafi Langada Shafi. Even in the said applications I.O. has not whispered any overtact or involvement of this petitioner-Mohammed Imran. Prima facie there is no material produced by the Prosecution to involve the petitioner-Mohammed Imran at this juncture in the case. Apart from that, the Offence alleged is not punishable with imprisonment for life or death.

9. Having regard to the said circumstances and also that the materials available on record and that

the offences are not punishable with imprisonment for life or death, I am of opinion that by imposing appropriate conditions, an order of Anticipatory Bail may be granted to the Petitioner. 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 under Sec.438 of the Cr.P.C **is hereby allowed**, by granting an order of anticipatory bail, subject to the following conditions:-

- 1) Petitioner shall co-operate with the investigation.

2) Petitioner shall not commit similar offences or any other offenses.

3) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

4) Petitioner in the event of his arrest in Crime No.186/2020 of Ashok Nagar Police station, Bangalore shall be released on bail on obtaining his personal bond for Rs.50,000/- with one surety for the likesum.

--

(Dictated to the Stenographer, transcribed by him,
then corrected and pronounced by me on this the **8th**
day of October, 2020)

—

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

vk

(Order pronounced vide separate order)

ORDER

Bail petition filed by Petitioner under Sec.438
of the Cr.P.C is hereby allowed, by granting an
order of anticipatory bail, subject to the following
conditions:-

- 1) Petitioner shall co-operate with the
investigation.
- 2) Petitioner shall not commit similar
offences or any other offenses.
- 3) Petitioner shall not threaten the
prosecution witnesses or tamper with the
prosecution evidence.
- 4) Petitioner in the event of his arrest in
Crime No.186/2020 of Ashok Nagar Police
station, Bangalore shall be released on bail
on obtaining his personal bond for
Rs.50,000/- with one surety for the likesum.

(D.S.Vijaya Kumar)
XXVI ACC & SJ, Mayo Hall, Bengaluru.