

**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 25th day of October, 2021.

Crl.Misc.No.26108/2021

Petitioners:-

1. Sri.Ragul @ Rahul
S/o Murugan
Aged about 19 years,
R/a. No.641, 7th Cross, 7th Main,
L.R.Nagara, Bengaluru
2. Sri.Alex Mathew
S/o John Stephen
Aged about 23 years,
R/a. No.863, 2nd Main, 1st
Building, L.R.Nagara, Adugodi,
Bengaluru
3. Sri.Raja @ John,
Son of Armugam,
Aged about 19 years,
R/a. No.23/6, EWS Quarters,
Ambedkar Nagar, Opp : NGV,
Vivekanagara, Bengaluru

[By Sri.K.S.G-Advocate]

Vs.

Respondent:-

The State of Karnataka,
Represented by Ashok Nagar
Police Station, Bengaluru

[By Public Prosecutor]

ORDER

Petitioners 1 to 3 have filed this petition under section-439 of the Cr.P.C., praying for granting an order of Regular bail in respect of the offences alleged under sections-399 and 402 of the Indian Penal Code, in Crime No.235/2021 of the Respondent-Ashok Nagar Police Station, Bengaluru.

2. Brief facts of the bail petition 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 undertake to abide by any conditions that may be imposed by the court. On all these grounds, petitioners have sought for granting bail to them.

3. The objection filed by the prosecution to the petition is as under:-

Respondent Police have registered a case in Crime No. 235/2021 for the offences under sections 399 and 402 of Indian Penal Code against the unknown accused persons. Investigation is still under progress. If the petitioners are released on bail, remaining accused would not be available and he would continue to abscond. Investigation regarding the involvement of the accused persons in other cases is to be done. If the petitioners are enlarged on bail, they may again commit similar offences and destroy the prosecution evidence and may abscond

from trial. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the bail petition.

4. Heard arguments and also perused the records.

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

1. Whether petitioners 1 to 3 are entitled to an order of Regular Bail, as sought for?

2. What order?

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

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

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

R E A S O N S

7. Point No.1:- As per the FIR registered in Crime No.235/2021 on 10.10.2021 for the offences under

sections-399 and 402 of Indian Penal Code, by the Respondent Police, on 10.10.2021 in the night hours at 9.30 PM, the informant police officer received information about 5 persons are attempting to rob the people near Lindon Street, in the jurisdiction of the Respondent Police station and hence, he registered the case against the unknown accused persons for the offences punishable under sections 399 and 402 of the Indian Penal Code in Crime No.235/2021.

8. I have heard arguments and considered the rival contentions.

9. In the FIS, it is alleged that on the suspicion that accused might commit the robbery, information was passed on to the police and the I.O. registered the case and thereafter, the I.O. arrested Accused Nos.1 to 5 on 11.10.2021 on suspicion. Other than

that, I.O. has not collected any material to show that indeed the petitioners and their associate attempted to commit robbery. No public has lodged any complaint to the police alleging attempt of robbery by the accused persons. Offences are not punishable with imprisonment for life or death. Also they are in Judicial custody since 11.10.2021.

10. Having regard to the above facts and circumstances, I am of opinion that petitioners 1 to 3 may be enlarged on bail by imposing appropriate conditions to ensure that they do not interfere with the investigation or cause threat to the prosecution witnesses or abscond from the proceedings. Consequently, Point No.1 is answered in the **affirmative.**

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

ORDER

Bail petition filed by Petitioners 1 to 3 under Sec.439 of the CR.P.C **is hereby allowed.**

Petitioners/accused Nos.1 to 3 in Crime No. 235/2021 of Ashok Nagar Police Station, Bengaluru, are hereby enlarged on bail for the offences punishable under sections 399, 402 of IPC, subject to the following conditions:-

- 1) Petitioners shall give attendance before the I.O on every alternative Sunday of the month between 10 a.m. and 2 p.m. till the Final Report/Charge sheet is filed.
- 2) Petitioners shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

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

4) Petitioners shall not abscond from the trial.

5) Petitioners shall execute personal bond for a sum of Rs.50,000/- each with one surety in like sum to the satisfaction of the Learned 29th Additional Chief Metropolitan Magistrate, Mayo Hall Unit, Bengaluru.

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(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me on this the **25th day of October, 2021**)

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(D.S.VIJAYA KUMAR)

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

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(Order pronounced vide separate Order)

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

