

Mohammed Mehtab @ Mehtab vs State Of Karnataka on 11 March, 2020

Equivalent citations: AIRONLINE 2020 KAR 2019

CRL.P.NO.278/2020

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MARCH, 2020

BEFORE

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

CRIMINAL PETITION NO. 278 OF 2020

BETWEEN:

MOHAMMED MEHTAB @
MEHTAB
S/O MOHAMMED ILYAZ
AGED ABOUT 30 YEARS
R/AT NO.1117/7
14TH MAIN ROAD
29TH 'B' CROSS
JAYANAGAR 4TH BLOCK
BENGALURU-560 011

...PETITIONER

(BY SRI. MOYEENUALLA ABBASI, ADV.)

AND

STATE OF KARNATAKA
BY BANASHANKARI
POLICE STATION
BENGALURU DISTRICT
THE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU-560 001

...RESPONDENT

(BY SMT. NAMITHA MAHESH B.G., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439
OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
CR.NO.247/2015 (S.C. NO.1097/2018) OF BANASHANKARI
POLICE STATION, BENGALURU CITY FOR THE OFFENCE P/U/S
392, 413 R/W 34 OF IPC.

CRL.P.NO.278/2020

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS
DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioner is accused No.1 in Crime No.247/2015 of Banashankari Police Station which is now pending in S.C.No.1097/2018 on the file of LIX Additional City Civil and Sessions Judge, Bengaluru.

2. Petitioner and accused No.2 were prosecuted in the said case on the basis of the charge sheet filed by Banashankari Police in Crime No.247/2015 of their police station on the basis of the complaint of CW.1-Muthu Krishna S.

3. It was alleged that on 30.06.2015 at 6:00 a.m., when CW-2 was sweeping frontyard of her house, accused Nos.1 and 2 came on a motor bike, snatched the victim's gold neck chain weighing 12 grams and sold that to accused No.3.

4. The petitioner was granted bail at the committal stage of the proceedings. Then he failed to appear before the Court. Therefore, the trial Court secured his presence in execution of non-bailable warrant. Then he filed application for grant of bail which came to be rejected by the Trial Court on the ground that petitioner has jumped the bail conditions by absenting himself from the Court.

5. The petitioner sought bail on the ground that during the period of his absence his wife had met with an accident and he was taking care of her for about four months.

6. Nothing was produced to substantiate the said ground. Apart from that, at one breath the petitioner claims that the medical condition of his wife was the cause for his absence, in the next breath, he says that his wife had initiated proceedings under the Domestic Violence Act, therefore, he could not appear.

7. Before this Court, nothing is produced to satisfy that he had any sufficient ground for remaining absent from the Court.

Under the circumstances, it is not a fit case to grant bail. Therefore, the petition is dismissed.

Sd/-

JUDGE KG