

Syed Mansoor Ali Khan vs State Of Karnataka on 2 February, 2023

Author: K.Natarajan

Bench: K.Natarajan

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CRL.P No. 326 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2 ND DAY OF FEBRUARY, 2023

BEFORE
THE HON'BLE MR JUSTICE K.NATARAJAN

CRIMINAL PETITION NO. 326 OF 2023

BETWEEN:

SYED MANSOOR ALI KHAN
S/O SYED MUSTAF,
AGED ABOUT 21 YEARS,
RESIDING AT 6TH CROSS,
SHIVANAGAR,
DAVANAGERE - 577 006.

...PETITIONER

(BY SRI. CHAKRAVARTHY T S., ADVOCATE)

AND:

Digitally signed
by SUDHA S
Location: HIGH
COURT OF
KARNATAKA

STATE OF KARNATAKA
BY EXTENSION POLICE STATION,

REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. B.J. ROHITH, HCGP)

THIS CRL.P FILED U/S.439 CR.P.C PRAYING TO ENLARGE THE
PETITIONER ON BAIL IN CR.NO.51/2022 REGISTERED BY

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CRL.P No. 326 of 2023

DAVANAGERE EXTENSION POLICE STATION, DAVANAGERE FOR THE
OFFENCE P/U/S 397 OF IPC PENDING ON THE FILE OF I ADDITIONAL
DISTRICT AND SESSIONS JUDGE, DAVANAGERE IN S.C.
NO.173/2022.

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

ORDER

This petition is filed under Section 439 of Cr.P.C for grant of bail to the petitioner/ accused No.2 in Cr. No.51/2022 registered by Extension Police Station, Davanagere for the offence punishable under Section 397 of IPC.

2. Heard the arguments of learned counsel for the petitioner and learned HCGP for respondent - State.

3. The brief case of the prosecution is that complainant one Basavaraj Koluru filed a complaint on 11.04.2022 alleging that on the said date at 11.00 p.m., complainant after selling food on the street counted money worth about Rs.9,500/- and kept it in his pocket along with his mobile phone. At that time, his son and wife were cleaning the utensils, accused Nos.1 and 2 came on a motor cycle to the said place and robbed cash of Rs.9,500 and snatched mobile phone from the complainant. After the assault the complainant raised his voice, his son, wife and two others came and caught hold accused No.1, but accused No.2 ran away in the motor cycle with cash.

4. After registering the case, the police arrested accused No.2 on 13.04.2022 and recovered cash of Rs.650/- and mobile phone along with motor cycle and he was remanded to judicial custody. He is in judicial custody from 13.04.2022 ie., almost 9 months. The earlier bail application came to be rejected on 02.08.2022. Hence, he is before this Court.

5. Per contra, learned HCGP seriously objected the bail application. He further contended that he is habitual offender and may commit similar offence, if bail is granted and hence prayed for rejecting the bail application.

6. Heard the arguments and perused the records.

7. Accused Nos.1, who has committed robbery have been arrested and he is in judicial custody. This petitioner ran away on the motor cycle with cash. The police already recovered Rs.650/- but the petitioner is in custody from 13.04.2022 almost 9 months. The investigation completed long back. The case is now committed to the Court of Session numbered as S.C. No.173/2022 on the file of I Addl. District and Sessions Judge, Davanagere.

8. Considering the facts and circumstances, the injury made by the petitioner is also simple in nature and one more case registered against the petitioner ended up in acquittal.

9. Taking into consideration of the same, I am of the view by imposing certain stringent conditions, if the bail is granted no prejudice would be caused to the case of the prosecution. Hence, the following, ORDER Accordingly, this Criminal petition is allowed.

The respondent/Police are directed to release the petitioner/accused No.2 on bail in Crime No.51/2022 registered by Extension Police Station, Davanagere for the offence punishable under Section 397 of IPC, subject to the following conditions:

(i) Petitioner shall execute a personal bond for sum of Rs.2,00,000/- (Rupees two Lakhs only) with two sureties, for the likesum to the satisfaction of the Investigating Officer;

(ii) Petitioner shall not directly or indirectly tamper with any of the prosecution witnesses;

(iii) Petitioner shall not indulge in any similar offences;

(iv) Petitioner shall not leave the jurisdiction without prior permission from the Trial Court.

If any of the above conditions are violated, the prosecution is at liberty to seek cancellation of this bail order.

Sd/-

JUDGE LL