

Shankar vs Station House Officer on 3 November, 2017

Author: R.B Budihal

Bench: R.B Budihal

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 03RD DAY OF NOVEMBER 2017

BEFORE

THE HON'BLE MR.JUSTICE BUDIHAL R.B.

CRIMINAL PETITION NO.6362 OF 2017

Between:

Shankar
S/o Late Nanjundachari
Aged about 26 years
Residing at
#83, 3rd Cross,
Vidyanagar,
Mysuru - 577 201

... Petitioner

(By Sri.Mohan Kumar D, Advocate)

And:

Station House Officer
Nanjanagudu Town
Police Station,
Represented by High Court
Public Prosecutor
Bengaluru - 560 001

... Respondent

(By Sri.Chetan Desai, HCGP)

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This petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in Crime

No.35/2016 of Nanjanagudu Town Police Station,
Mysuru District for the offence punishable under
Section 363, 370 read with Section 34 of IPC and
Section 81, 84 and 87 of Juvenile Justice (Care and
Protection Children) Act.

This petition coming on for Orders, this day, the
court made the following:

ORDER

This is a petition filed by the petitioner/accused No.1 under Section 439 of Cr.P.C seeking his release on bail for the alleged offences punishable under Sections 363, 370 read with Section 34 of IPC and also under Sections 81, 84 and 87 of the Juvenile Justice (Care and Protection Children) Act, 2015 registered by the respondent-police in Crime No.35/2016.

2. Facts of the prosecution case is that on 21.04.2016, complainant Smt. Parvathi has filed the complaint alleging that her daughter Anitha aged 4 years and her son aged 2 ½ months were sleeping on the premises in front of Taluk Office, Nanjanagud. At about 1.00 a.m., when she was feeding her child, a Maruthi Car came to the said place, one person came to her and snatched away her feeding child forcibly from her and fled away towards Chamarajanagar. She made cries. On hearing her cries, Sunil, Girish, Chandru, Ravi and others of Nanjangud chased the car on motorcycles upto Badanavalu village, but they could not stop the car. The persons, who came in the car had kidnapped her child.

3. Heard the arguments of the learned counsel appearing for the petitioner-accused No.1 and also learned HCGP for respondent-State.

4. I have perused the grounds urged in the bail petition, FIR, complaint and also other materials placed on record. Looking to the complaint averments, originally the case is against eight accused persons and after completing the investigation, the chargesheet is filed only against six persons and accused Nos.7 and 8 were dropped. It is also submitted by the learned counsel for the petitioner that other accused persons were already granted bail by the order of the Court. Looking to the prosecution material and as the investigation of the case is already completed and charge sheet is also filed, regarding identity of the present petitioner, as the prosecution has not placed prima-facie material, at this stage and as the alleged material is not produced, it is not exclusively punishable with death or life imprisonment. The petitioner contented that there is false implication in the complaint and he is not involved in the said offence. Therefore, by imposing reasonable conditions, petitioner can be admitted to regular bail.

5. Accordingly, the Criminal Petition is allowed. The petitioner-accused No.1 is ordered to be released on bail for the alleged offences subject to the following conditions:

- i. Petitioner shall execute a personal bond for a sum of Rs.50,000/- and shall furnish one surety for the likesum to the satisfaction of the concerned trial Court.

ii. Petitioner shall not tamper with any of the prosecution witnesses, directly or indirectly.

iii. Petitioner shall appear before the concerned Court regularly.

Sd/-

JUDGE Mds