



- 1 -

CRL.P No. 3765 of 2023
C/W CRL.P No. 3764 of 2023
CRL.P No. 3770 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MAY, 2023

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 3765 OF 2023

C/W

CRIMINAL PETITION Nos. 3764 OF 2023,
3770 OF 2023

IN CRL.P NO. 3765/2023.

BETWEEN:

Digitally sig
by PAVITHR
Location: H
Court Of
Karnataka

...PETITIONERS

(BY SRI. ARUNA SHYAM M., SENIOR COUNSEL FOR,
SMT. DIVYA R.B.,ADVOCATE)



AND:

THE STATE OF KARNATAKA
BY SATHANOR PS,
RAMANAGAR DISTRICT,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. H.S. SHANKAR, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE CR.NO.54/2023 REGISTERED IN SATHANOR POLICE STATION, RAMANAGARA DISTRICT, FOR THE OFFENCE P/U/S 302, 324, 341, 504, 506 R/W 34 OF IPC, PENDING BEFORE THE HONBLE COURT OF 1ST ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC, KANAKAPURA.

IN CRL.P NO. 3764/2023

BETWEEN:

...PETITIONERS

(BY SRI. ARUNA SHYAM M., SENIOR COUNSEL FOR,
SRI. MADHUKAR M. DESHPANDE, ADVOCATE)



CRL.P No. 3765 of 2023
C/W CRL.P No. 3764 of 2023
CRL.P No. 3770 of 2023

AND:

THE STATE OF KARNATAKA
BY SATHANOR PS,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. H.S. SHANKAR, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE CR.NO.54/2023 REGISTERED WITH THE RESPONDENT SATHANOR POLICE FOR OFFENCES P/U/S 302, 324, 341, 504, 506 R/W 34 OF IPC, ON THE FILE OF THE HONBLE COURT OF 1ST ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC, KANAKAPURA.

IN CRL.P NO. 3770/2023

BETWEEN:

...PETITIONER

(BY SRI. ARUNA SHYAM M., SENIOR COUNSEL FOR,
SRI. SUYOG HERELE E., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY SATHANOR PS,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. H.S. SHANKAR, HCGP)



THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE CR.NO.54/2023 REGISTERED WITH THE RESPONDENT SATHANOR POLICE FOR THE ALLEGED OFFENCES P/U/S 302, 324, 341, 504, 506 R/W 34 OF IPC, ON THE FILE OF THE HONBLE COURT OF 1ST ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC, KANAKAPURA.

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

COMMON ORDER

The petitioners-accused Nos.1 to 5 are before this court seeking grant of bail under Section 439 of Cr.P.C., Cr.No.54/2023 in Sathanor Police Station, Ramanagara District, pending before the Hon'ble Court of 1st Additional Civil Judge (Jr. Dn.) and JMFC, Kanakapur, registered for the offences punishable under Sections 302, 324, 341, 504, 506 r/w 34 of IPC, on the basis of the first information lodged by the informant - Sri.Yunus Pasha.

2. Heard Sri. Aruna Shyam M., learned Senior Counsel, for the petitioners and Sri. H.S.Shankar, learned High Court Government Pleader for the respondent-State. Perused the materials on record.

3. Learned Senior counsel submits that the petitioners in Crl.P.No.3765/2023 are arrayed as accused



Nos.3 and 4, the petitioners in Crl.P.No.3764/2023 are arrayed as accused Nos.2 and 5, the petitioner in Crl.P.No.3770/2023 is arrayed as accused No.1. All the petitioners were apprehended on 15.04.2023. Since then, they are in judicial custody.

4. Learned senior counsel further submitted that a false case was registered against these petitioners on 01.04.2023 at 4:00 p.m. The informant states that he was informed by one Syed Zaheer about causing of the death of the deceased Idris Pasha by the petitioners. In fact, accused No.1 lodged the first information against the said Idris Pasha, Syed Zaheer and others for illegal transportation of cattle which was registered in Crime No.52/2023 on 01.04.2023 at 1:00 p.m. After registering the FIR, Syed Zaheer was apprehended and thereafter, he also registered an FIR in Crime No.53/2023 against the present accused Nos.1 and 4 others on 01.04.2023 at 5:30 p.m. Syed Zaheer, who is the informant in Crime No.53/2023 has not stated anything about causing the death of Idris Pasha by the accused. Another FIR came to be registered at 4:00 p.m., stating that



these accused have caused the death of Idris Pasha. The sequence of events disclose that deliberately an FIR was registered making false allegations due to political reasons. The investigation is almost completed. The petitioners are not required for further investigation. They are the permanent residents of the addresses mentioned in the cause-title to the petitions and are ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petitions.

5. Per contra, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against the petitioner for having committed the offences which is punishable with death or imprisonment for life. The charge sheet is not yet filed. Accused No.1 is having criminal antecedents. Under such circumstances, the petitioners are not entitled for grant of bail that too when allegations are made for offences which is punishable for death or imprisonment for life. Looking to the nature and seriousness of the offences, the petitioners are



not entitled for grant of bail. Hence, he prays for dismissal of the petitions.

6. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioners are entitled for grant of bail under Section 439 of Cr.P.C.?"

My answer to the above point is in 'Affirmative' for the following:

REASONS

7. The informant lodged the first information on 01.04.2023 at 4:00 p.m against accused No.1 and another for the offences punishable under Sections 341, 504, 506, 324, 302 read with Section 34 of IPC. It is stated that he was informed by Syed Zaheer regarding causing of the death of Idris Pasha by accused No.1 and another by assaulting him. It is pertinent to note that accused No.1 lodged the first information registered in Crime No.52/2023 on the same day at 1:00 p.m. against the said Syed Zaheer and four



others alleging illegal transportation of cattle. It is stated that the said Syed Zaheer, who is arrayed as accused No.1 in Crime No.52/2023 was apprehended. It is also interesting to note that Crime No.53/2023 was registered in the same Police Station on the basis of the first information lodged by Syed Zaheer at 5:30 p.m. on 01.04.2023 alleging that when he along with others were transporting the cattle in a vehicle, accused No.1 prevented and abused them. In the meantime, his associates Idris Pasna and others have ran away from the spot. However, the informant Syed Zaheer was taken to the Police Station. Therefore, an FIR was registered for the offences punishable under Sections 341, 143 and 504 read with Section 149 of IPC against accused Nos.1 to 4 others. In the meantime, the present FIR in Crime No.54/2023 was said to have been registered at 4:00 p.m. on 01.04.2023. There is no explanation as to why the FIR in Crime No.53/2023 was registered at 5:30 p.m. while the FIR in Crime No.54/2023 was registered at 4:00 p.m., Moreover, as per the informant in the present case, he was informed by the Syed Zaheer about causing of the death of



deceased Idris Pasha by the petitioners on 01.04.2023, in the early morning. The said Syed Zaheer, who is the informant in Crime No.53/2023 does not refer to any such incident in the first information filed by him.

8. The post mortem report, which is made available for perusal of the Court discloses that the deceased Idris Pasha sustained only four abrasions and the cause of death was kept pending for want of chemical analysis and histopathology reports. It is clear that there was no fatal injury on the dead body of the deceased at the time of the post mortem examination. All these facts and circumstances give rise to a reasonable doubt about the manner in which the incident had taken place. Even though it is stated that accused No.1 is having criminal antecedents, from the materials that are placed before the Court there are no strong prima facie material to connect accused No.1 to the offence in question. It is not the contention of the prosecution that the petitioners are required to be detained in custody for any purpose except to ensure their presence before the trial Court. Therefore, detention of the petitioners



in custody would amount to infringement of their right to life and liberty. Hence, I am of the opinion that the petitioners are entitled to be enlarged on bail subject to conditions, which will take care of the apprehension expressed by the learned High Court Government Pleader that the petitioners may abscond or may tamper or threaten the prosecution witnesses.

9. Accordingly, I answer the above point in the affirmative and proceed to pass the following:

ORDER

The petitions are ***allowed***.

The petitioners are ordered to be enlarged on bail in Cr.No.54/2023 registered in Sathanoor Police Station, Ramanagara District, on obtaining the bond in a sum of Rs.2,00,000/- (Rupees Two Lakhs only) each with two sureties for the likesum to the satisfaction of the jurisdictional Court, subject to the following conditions:

- a). The petitioners shall not commit similar offences.



- b). The petitioners shall not threaten or tamper with the prosecution witnesses.
- c). The petitioners shall appear before the Court as and when required.

If in case, the petitioners violates any of the conditions as stated above, the prosecution will be at liberty to move the Trial Court seeking cancellation of bail.

On furnishing the sureties by the petitioners, the Trial Court is at liberty to direct the Investigating Officer to verify the correctness of the addresses and authenticity of the documents furnished by the petitioners and the sureties and a report may be called for in that regard, which is to be submitted by the Investigating Officer within 5 days. The Trial Court on satisfaction may proceed to accept the sureties for the purpose of releasing the petitioners on bail.

Sd/-
JUDGE

KG
List No.: 1 Sl No.: 136
CT: AVB