

(2024) 09 KAR CK 0017
In the Karnataka High Court
Case No : Criminal Petition No. 7594 Of 2024

Ansar @ Anchu

APPELLANT

Vs

State Of Karnataka Balur Ps Represented By Spp High Court
Building Bengaluru, Karnataka ? 560001

RESPONDENT

Date of Decision : 13-09-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 395, 397, 427, 450

Citation : (2024) 09 KAR CK 0017

Hon'ble Judges : M G Uma, J

Bench : Single Bench

Advocate : Talha Ismail Bengre, N Anitha Girish

Final Decision : Dismissed

Judgement

M G Uma, J

1. The petitioner - accused No.1 is before this Court seeking grant of bail under Section 439 of Cr.PC in Crime No.05/2024 of Balur Police Station, pending on the file of the learned Principal Civil Judge (Jr.Dn) and JMFC Court at Mudigere, Chikkamagaluru District, registered for the offences punishable under Sections 395, 397, 450, 427 of IPC, on the basis of the first information lodged by the informant- Sri Raju H.A.

2. Heard Sri.Talha Ismail Bengre, learned counsel for the petitioner and Smt.N.Anitha Girish, learned High Court Government Pleader for the respondent - State. Perused the materials on record.

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

“Whether the petitioner is entitled for grant of bail under Section 439 of Cr.P.C.?”

My answer to the above point is in ‘Negative’ for the following:

REASONS

4. The petitioner was apprehended on 16.04.2024. Since then, he is in judicial custody.

5. The F.I.R came to be registered against three to four unknown persons stating that they have criminally trespassed into the house of the complainant with deadly weapons like long, knife, etc., and robbed cash and gold ornaments. During investigation, the petitioner was apprehended. Now the investigation is completed and the charge sheet is filed.

6. It is the specific contention of the prosecution that the petitioner is the main accused who has arraigned as accused No.1. He criminally trespassed into the house of the complainant with knife and damaged the TV and other house hold articles, stabbed the injured – CW4, robbed the cash and gold ornaments. As per the charge sheet, the blood stained jeans pant belonging to the petitioner was recovered at his instance. The FSL report is still awaited. CWs.1 to 4 are cited as eye witnesses. The injured eye witness has suffered as many as eight injuries, out of which three are grievous in nature. The Test Identification Parade was conducted at the instance of the Investigating Officer and it is stated that the eye witnesses have identified the present petitioner along with accused Nos.6 and 7. Under such circumstances, there are strong incriminating materials against the petitioner for having committed the offence. The contention of the learned counsel for the petitioner that the petitioner is innocent and has not involved in any offence cannot be accepted. Looking into the nature and seriousness of the offence, I am of the opinion that the petitioner is not entitled for grant of bail. Even though accused No.4 is enlarged on bail by this Court, it is stated that he was not subjected to Test Identification Parade and therefore, the present petitioner is not entitled for the benefit of parity with accused No.4.

Accordingly, I answer the above point in the negative and proceed to pass the following;

ORDER

The petition is dismissed.