

(2011) 01 KAR CK 0176
In the Karnataka High Court
Case No : Criminal P. No. 5851 of 2010

Siraj

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 24-01-2011

Acts Referred:

Arms Act, 1959 — Section 25, 3
Penal Code, 1860 (IPC) — Section 120 B, 307, 387, 447

Citation : (2011) 01 KAR CK 0176

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : Nishith Kumar Shetty, for the Appellant; S.P. Girji, HCGP, for the Respondent

Final Decision : Allowed

Judgement

V. Jagannathan, J.—Heard both sides in respect of bail sought by accused No. 7 who is one of the accused persons against whom case is registered in Cr. No. 234/10 for offences punishable under Sections 120B, 447, 307, 387, 506 IPC and u/s 3 and 25 of the Arms Act.

2. The case of the prosecution in short is that, on 25.9.10 at about 6.30 p.m., the accused persons went near Mantri Developers office on Vittal Mallya road and fired from the revolver and tried to escape and during the chase by the police, A-2 was shot by the police, and other persons escaped. The entire incident is said to be to pressurize the business people to give hafta money.

3. Submission of the Petitioner's counsel is that, against this Petitioner who is A-7, there are no allegations in the charge sheet and all that was recovered from him is said to be a telephone directory and nothing more and moreover the main accused are A-1 and A-4 assisted by A-3, A-5 and A-6. Therefore, the Petitioner be released on bail is the submission made by the Petitioner's counsel.

4. Submission of learned Government Pleader for the Respondent-State is that

this accused used to furnish the particulars of business people to other main accused persons and moreover there are some cases against this Petitioner also.

5. Having heard both sides and after going through the charge sheet that is filed by the police and there being no mention of this Petitioner's role in the charge sheet and all that is said to have been recovered from him is said to be a telephone directory, I am of the view that this Petitioner can be released on bail by imposing conditions.

In the result, the petition is allowed by imposing the following conditions:

1. The Petitioner shall be released on bail on his executing a personal bond for Rs. 25,000/- with two sureties for the likesum to the satisfaction of the trial court.
2. He shall not hamper the investigation and shall not give threat to the prosecution witnesses in any manner.
3. He shall mark his attendance before the jurisdictional police on every Sunday between 10.00 a.m and 5.00 p.m.
4. He shall appear before the trial court on all dates of hearing.
5. The Petitioner shall not involve himself in like offences in future and if he is found to be involved, his bail will be cancelled.