

(2009) 04 KAR CK 0042
In the Karnataka High Court
Case No : Criminal P. No. 1365 of 2009

Sri Anand Raju @ Kulla Raja

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 24-04-2009

Acts Referred:

Penal Code, 1860 (IPC) — Section 143, 147, 148, 307

Citation : (2009) 04 KAR CK 0042

Hon'ble Judges : K. Bhakthavatsala, J

Bench : Single Bench

Advocate : Amar A. Correa, for the Appellant; A.V. Ramakrishna, HCGP, for the Respondent

Final Decision : Allowed

Judgement

K. Bhakthavatsala, J.—These two Criminal Petitions novo been filed by accused Nos.5 and 80 respectively u/s 439 of Cr.P.C., seeking bail in Crime No. 74/2009 of Ashoknagar Police Station for the offences punishable under Sections 143, 147, 148, 307 road with Section 149 of IPC.

2. The case of the prosecution is that the Complainant is manufacturer of "Coffin" in Corporation Shop No. 18, Austin Town, Bangalore. The Complainant is a police informer. 7 to 8 persons belonging to Mubarak Ali used to commit crimes, earn money and send the same to Mubarak Ali. Nobody gave a complaint against them. The Complainant has stated that 2 or 3 times he gave information to police about Mubarak Ali. Therefore, the persons of Mubarak Ali came to the shop of Complainant, made galata and gave threat to his life. On 26.2.2009 at about 12 noon, when the Complainant son was working in the shop, Mubarak, Velu and two other persons armed with iron rod and dagger came and asked Rajakutti, the Complainant to come out of the shop. They also told that on several times, he wets warned not to give information to the police. But even then, the Complainant was giving false information to the police against them and they told that they would not leave the place without killing him. Thereafter,

Abid Ali/accused No. 1 took a dagger and assaulted the Complainant. At that time, to avoid the blow, Rajakutti held his hands, the blow fell on his left fingers and caused bleeding injuries. The complainant's son came to his rescue. Accused No. 1 assaulted the Complainant's son with dagger and caused bleeding injuries. People gathered at the spot, informed the police and the accused persons ran away from the scene.

3. Learned Counsel for the petitioners submits that the Complainant has lodged a false complaint and the petitioners are innocent of the alleged offences.

4. Learned HCGP submits that keeping in view the serious threat given by the accused and the present petitioners were supporters of Mubarak Ali, they would again go and threaten the Complainant or may flee from the course of justice.

5. The complaint came to be lodged against Abid Ali, Seena, Arun, Thomas, Kullaraja, Hemanth, Velu and others. During the course of investigation, the present petitioners/accused Nos. 5 and 8 were arrested and since then the petitioners are in judicial custody.

6. Keeping in view that there is no overt act by the present petitioners and solely on the ground that they are the supporters of Mubarak Ali, bail cannot be claimed. I see no good ground to reject the petition. Of course, the objection raised by the learned HCGP can be set at rest by imposing appropriate conditions.

7. In the result, both the petitions are allowed. The Committal/Trial Court is directed to release the petitioners on bail directed to release the petitioners on bail subject to fulfillment of the of the following conditions:

- i) that the petitioners shall execute a personal bond for a sum of Rs. 20,000/- with two sureties for the likesum to the satisfaction of the Court;
- ii) that the petitioners shall deposit a sum of Rs. 5,000/- each towards cash security;
- iii) that the petitioners shall mark attendance in the concerned Police Station on every Second Saturday of every month between 9 a.m. and 10 a.m. until disposal of the case.
- iv) that the petitioners shall not tamper with the prosecution witnesses;
- v) that the petitioners shall not leave the jurisdiction of Sessions Court at Bangalore City without prior permission;
- vi) that the petitioners shall attend the Court regularly.