
(2011) 04 KAR CK 0133
In the Karnataka High Court
Case No : Criminal Petition No. 1215 of 2011

Syed Salman

APPELLANT

Vs

Ulsoor Police Station, Bangalore

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Arms Act, 1959 — Section 27
Penal Code, 1860 (IPC) — Section 307, 395, 397

Citation : (2011) 04 KAR CK 0133

Hon'ble Judges : A.S. Pachhapure, J

Bench : Single Bench

Advocate : Younous Alikhan and Associates, for the Appellant; G.M. Srinivasa Reddy, HCGP, for the Respondent

Final Decision : Allowed

Judgement

A.S. Pachhapure, J.—The facts reveal that the complainant is a partner of Swastik Jewelleries and on 27.05.2010, 3 persons came to his shop to purchase jewellery and they showed a credit card for purchase. The complainant did not agree to deal with them as the said credit card was a fake one. It is under these circumstances a complaint came to be lodged against the said 3 persons. Later, an Advocate came to compromise the matter, but the complainant did not agree to compromise. As another partner was staying at Shanthinagar, the complainant went to drop him and at that time they were carrying cash of Rs. . 8,83,000-00. When they were so proceeding to the residence in his car, near Commando Hospital, a white Scorpio car bearing reg. No. 8533 came from the back and then came in front of their car and stopped the complainant's car. One of the inmates of the Scorpio car attacked the complainant with a revolver and the other persons surrounded them. There was a threat to the complainant to withdraw the case, failing which he will be killed. But. the complainant did not agree despite an attempt to assault with sword and he escaped. By the time an amount of Rs. . 8,83,000-00 kept in the car was also snatched away by the culprits. Thereafter, he approached the Ulsoor Police Station. It is under these circumstances that a

complaint came to be filed giving the description of the culprits. The said complaint was registered for the offence under Sections 395, 397, 307 IPC r/w. 27 of the Indian Arms Act.

2. The Petitioner submits that he is innocent and has not committed any offence much less the one alleged and that his name does not find place in the complaint. But, at the same time, the learned High Court Government Pleader submits that there is recovery of a knife at the instance of the Petitioner. So, except the recovery, there is no other material at this stage. Hence, I am of the opinion that it is a fit case to grant the bail.

3. In the result, the petition is allowed. The Petitioner is ordered to be released on bail, on his executing a personal bond for a sum of Rs. . 50,000-00 with two solvent sureties for the likesum to the satisfaction of the Sessions Court with further following conditions:

- 1) The Petitioner shall be made available for interrogation by a police officer as and when he is required.
- 2) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- 3) He shall attend the Court as and when directed.
- 4) He shall appear before the Police Station concerned on every Sunday in between 10.00 and 31.00 a.m. till conclusion of the trial.