

CC 562/2023

Accused no.1 and 2 are represented by the learned Advocate Smt. CJ who is appearing at the instructions of the Legal services Authority. She has submitted her vakalath for both accused no.1 and 2 long back and submitted before this Court that she has instructions to appear for both A-1 and A-2.

An application is submitted by Smt. CJ under section 437 of Cr.P.C seeking to enlarge both A-1 and A-2 on bail.

Learned APP submitted a statement of objections on the same.

Heard Smt. CJ and learned APP.

Whether the accused no.1 and 2 have made out any ground to enlarge both of them on bail is the question requires answer in this order.

For the reasons stated herein after, said question is answered in the negative.

Reasons:

Case of the prosecution in brief is that the accused no.1 and 2 herein on 30-11-2022 entered the house of the first informant namely Krishnamurthy, when nobody was therein, they did open the main door using an iron rod and thereafter did open a locker with force and did throw the items present in it abruptly and did take away Rs.10,000/- in cash together with gold weighing 07.980 grams being a golden chain etc.

The accused no.1 and 2 have been charge sheeted for the offences punishable under sections 454 and 380 of IPC.

I.O has opined that his investigation has revealed the commission of said offences by these accused and it is detailed further that soon after the commission of theft of said sum of money they shared it.

In the course of arguments the learned APP has brought to the notice of this Court that, other cases in multiple numbers, which are of same nature are pending against both A-1 and A-2 across Karnataka. It is argued further that if they are enlarged on bail, they would indulge in commission of similar offences as they are habitual offenders etc.

Further the spot panchanama reads that the accused no.2 has used an iron rod for the purpose of breaking the main door and a lock affixed to the locker.

Further in respect of the accused no.1, many cases have been shown to be pending across Karnataka in multiple numbers which are similar in nature as well. Even in respect of accused no.2 it is detailed in the charge sheet that multiple cases are pending, which are

of similar nature, pending on the file of the Court concerned of N.R.Pura, Chickamagaluru District.

Learned Advocate appearing for the accused has requested the Court to enlarge them on bail in the light of the charge sheet filed already. It is submitted that the accused is no longer required to be kept in custody etc.

As could be seen from the record, in this Court only, in toto, three matters are pending, which are of similar nature.

It is no doubt true that the amount shown to have been taken away by way of theft together with the jewellery allegedly by these accused may not be too much, but that aspect alone in the opinion of this Court does not entitle the accused no.1 and 2, to seek the relief of bail at this juncture although an argument as such being canvassed by Smt. CJ. Because it is the specific case of the prosecution that against these accused persons, multiple cases are pending at various places across Karnataka which are related to theft and

house lurking etc.

Hence prima facie, this Court can state at this juncture that they are having antecedents and prima facie, pendency of many cases, can also be believed based on charge sheet inputs. Therefore this Court opines keeping in mind the pendency of multiple cases and the recovery of the jewelries being shown to have been made at the instance of accused no.1, further totality of the recovery being shown against both accused is being the gold jewelries of various patterns weighing around 0113.04 grams, they being worth beyond lakhs, they collectively would render a ground to keep them in custody only and they do not deserve their release at this juncture on bail.

Hence as there is an accusation on these accused that, they are habitual offenders etc, it is certainly unsafe to release them on bail as they have been charge sheeted as well for those offences and in the presence of pendency of multiple cases of similar nature.

In respect of both accused, in the forgoing circumstances, this Court is of the firm opinion to state that they do not deserve their release on bail.

In the above circumstances aforesaid question is answered in the negative and the circumstances warrant the following orders.

ORDERS

Application of A-1 and A-2 filed under section 437 of Cr.P.C, stands dismissed.
Produce accused in person or by way of V.C by
09-10-2023.

(S.S.Bharath)
Senior Civil Judge & J.M.F.C.
Thirthahalli