

**IN THE COURT OF THE III ADDL. DISTRICT AND SESSIONS
JUDGE, MANDYA (SITTING AT SRIRANGAPATNA)**

Dated: This the 9th day of May, 2023

Present: Sri.GOPAL KRISHNA PAI T.,

B.A., L.L.B.,LL.M.,

**III Additional District & Sessions Judge,
Mandya, (Sitting at Srirangapatna)**

Crl.Misc.No.5111/2023

Petitioner	Muneer Chikansi @ Munna S/o Muhammad, Aged about 36 years, Residing at Cholakam House, Vengara Village, Kariyad PO, Thirurangadi Taluk, Malappuram District, Kerala State. (By Sri.Sujam K.A., Advocate).
	<u>Vs.</u>
Respondent	State by Pandavapura Police Station. (Rep. by Smt.M.K.Prapulla, Public Prosecutor).

ORDER

The Petitioner has filed this Petition U/S.439 Cr.P.C., seeking bail in Crime No.304/2022 (C.C. No.36/2023) of respondent Police Station now pending before the learned Civil Judge & JMFC Court, Pandavapura.

2. In the Bail Petition it is contended that the petitioner is innocent. He has not committed the alleged offences. The petitioner hails from a respectable family and he is law

abiding citizen. Petitioner is sole bread earner of his family and he is having aged old parents, two minor children and they are depending their livelihood upon the petitioner. The petitioner is in J.C. from 27.03.2023. The petitioner is permanent resident of address shown in the cause title of the petitioner and he will not abscond or flee away from justice in case of grant of bail. Since the petitioner has been already interrogated and remanded to J.C. he is no more required for further investigation. After completion of investigation the investigating officer has filed the chargesheet, the petitioner is no more required for further investigation or interrogation. The petitioner is ready to abide by any conditions that may be imposed by the Court and he is ready to furnish surety to ensure his regular attendance before the concerned Court. Inter-alia, on these grounds, the petitioner prays for allowing of the Bail Petition.

3. Whereas the learned Public Prosecutor in her objection has contended that the respondent police have filed the charge sheet against the petitioner for the offences punishable under Section 120-B, 395, 397 of IPC. The offences alleged against the petitioner are very serious and non-bailable in nature. Among the offences alleged against the petitioner the offence U/Sec. 395 of IPC is punishable with imprisonment for life or imprisonment which may extend to 10 years and also fine and U/Sec. 397 of IPC is punishable with imprisonment for imprisonment which may extend to 7 years and also fine. At this stage there is a reasonable ground for believing that the petitioner has committed the alleged

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offences. If the petitioner is released on bail he may threaten the prosecution witnesses or he may abscond by violating the bail conditions. Inter-alia on these grounds the learned P P prays for rejecting of the bail petition.

4. Heard both sides. Perused the record.

5. On the basis of material on record, the following Points arise for my determination:

1. Whether the petitioner has made out the grounds to enlarge him on bail?
2. What Order?

6. My findings on the above Points are as follows:

Point No.1 - In the **Negative**,

Point No.2 - As per final order, for the following:

REASONS

7. **POINT NO.1:-** The case of the prosecution in brief as culled out from the charge sheet is that on 14.09.2022 the complainant and his friend Shirajuddin Mulla have sold 90 grams of gold ornaments for Rs.1,10,000/- at Belagavi. Then along with money they have been traveling to Musyru through Pandavapura. On 15.09.2022 in between 5-30 a.m. to 6-00 a.m. when they have proceeding towards Mysuru from Nagamangala in Car No. KA-04 MT-2929, one Innova Car came from opposite side and blocked their car. At that time one Eco Sports Car came from the back and parked. As many as 8-9 persons alighted from the car and one person having Pistol. They have damaged the window glasses of the vehicle

No. KA-04 MT-2929 dragged both Shirajuddin Mulla and complainant out side and got assaulted them recklessly and among them one person has attempted to shoot the complainant with the help of Pistol and snatched bag containing Rs.1,10,000/- cash. However, after dacoity public apprehended A1 and A2 and others ran away from the spot. Later it revealed that persons apprehended by the public are Ranjith and Nishad. In fact during the course of investigation the I.O. has arrested A10- Sharif. Accordingly, a criminal case has been registered and on completion of investigation the investigator has filed the chargesheet.

8. From the perusal of cause title to the petition it is clear that petitioner is resident of Kerala. In order to show that this petitioner has permanent abode, except a copy of Aadhar card no material is produced. It is the contention of the Prosecution, that if the petitioner is released on bail he may abscond and in such an event it will not possible to secure his presence at the time of trial. There is no reason to disbelieve this contention of the Prosecution.

9. A perusal of materials on record would show that the petitioner has committed serious offences and robbed a sum of Rs.1,10,000/- in a pre planned manner. So, considering seriousness of the offence alleged, the petitioner is not entitled for bail only on the ground that the investigator has already filed the chargesheet.

10. The learned counsel for the petitioner has argued that the petitioner is innocent of the offences alleged and he has been falsely implicated in this case. However, a perusal of chargesheet and its annexures makes it very clear that there are sufficient materials and grounds available in the lines of accusation made against this petitioner for the offences punishable U/Sec.120-B, 397, 397 of IPC and U/Sec. 25 of Indian Arms Act. Hence, it is highly improbable to believe that this petitioner is innocent of the offences alleged.

11. It is settled proposition of law that, **“while considering the bail petition the Court has to keep in mind the nature of accusations, nature of evidence in support thereof, severity of the punishment which conviction will entail, the character, behavior, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of witness being tampered with, the larger interest of the public or state and similar other considerations”**. In the present case from the perusal of preliminary investigation materials, this Court is opinion that the offence alleged is serious in nature. Further, there are eye witnesses to the incident. So in that view of the matter also, the petitioner is not entitled for bail.

12. In the circumstances this court is of the view that, the petitioner who has committed serious offence, he is not entitled for the discretionary relief of bail from the hands of this Court. However, he is at liberty to move for bail after the examination of material witnesses. Accordingly, I answer point No.1 in the **Negative**.

14. **Point No.2**:- In the result for the reasons stated above, I am constrained to pass the following;

ORDER

The bail petition filed by the petitioner under Section 439 of Cr.P.C., is hereby dismissed.

(Dictated to the Judgment Writer, transcribed and computerized printout taken thereof is corrected, signed and then pronounced by me in Open Court on this the **9th day of May, 2023**).

(Gopalkrishna Rai. T)
III Addl. District & Sessions Judge,
Mandya (Sitting at Srirangapatana).

*Orders pronounced in Open Court
(vide separate Order).*

ORDER

The bail petition filed by the petitioner under Section 439 of Cr.P.C., is hereby dismissed.

III Addl. District & Sessions Judge,
Mandya, Sitting at Srirangapattana.