

KABC010206582023



IN THE COURT OF THE LX ADDL.CITY CIVIL & SESSIONS  
JUDGE, BENGALURU (CCH-61)

: P R E S E N T :

Sri Narashimsa M.V., B.Com., LL.B.,  
LX Addl. City Civil & Sessions Judge, Bengaluru City.

Dated this the 16<sup>th</sup> day of August, 2023.

Crl.Misc.No.7432/2023

**PETITIONER:-**

Akram @ Akram Khan @ Akkuba (A-1)  
S/o. Babu Khan  
Aged about 32 years  
R/at 3<sup>rd</sup> Cross,  
Near Raza Masjid K G Halli,  
Bengaluru.

(Rep by Sri. SRS- Advocate)

**RESPONDENT:-**

**-VS-**

The State of Karnataka  
By: Sampgehali Police Station,  
Bengaluru.

(By Public Prosecutor)

**ORDER**

Accused No.1 in Sampgehali Police station Crime  
No.312/2022 (CC No. 17187/2023) has filed this bail application  
under Sec.439 of Cr.P.C..

2. Brief facts of the case as forthcoming from the first information are as under:-

First informant is Adishesha. In first information, he has stated that he is a Flip cart Delivery Executive, on 5.12.2022, at about 6 pm, when he came in Tata Ace vehicle to deliver Flipcart articles near flag pole situated at Amarjyothi Layout, at that time, accused persons came in a black coloured Verna Car bearing No. KA-03-NJ-0532 and all of them got down from the car, by holding knife and rod, one of the accused stabbed upon his right hand and leg with a knife, they snatched cash of Rs.20,000/-, purse (containing Aadhar card, DL, Voter ID) and they left the spot in a car, he sustained bleeding injuries to his hand and leg. First information came to be lodged against unknown accused persons, it was registered for the offence punishable u/S 394 of IPC.

3. The grounds urged in this petition are as under:-

Petitioner is innocent, petitioner does not figure in the FIR on in the complaint, respondent police have falsely implicated him in the charge sheet at the later stage of the investigation, he never involved in the above case, he neither directly nor indirectly involved

in the above case, name of the petitioner nowhere disclosed by the complainant in his complaint, respondent police have completed their investigation and submitted charge sheet, there is lot of contradiction and omissions on reading of complaint and charge sheet, petitioner is not required to the police for further investigation, A-2 and 3 have granted bail during crime stage, petitioner was arrested in Cr No. 57/2023 by the respondent police, he was remanded to judicial custody, when the petitioner was in judicial custody, at that time, IO arrested the petitioner under body warrant, offences are not exclusively punishable with death or imprisonment for life, petitioner hails from a respectable family and having deep roots in the society, he undertakes to abide by all the conditions that may be imposed by this Court and also to offer surety to satisfaction of court.

4. Leaned Public Prosecutor has filed objections to bail application along with Memo of instructions given by Investigating Officer. In objections, averments made in the first information are reiterated. Further, it is stated that accused No.1 does not deserve to be enlarged on bail, if he is enlarged on bail, there is every possibility of them absconding from the jurisdiction of the Court, he

will threaten the witnesses and destruct the evidence. Hence, prayed for rejection of bail application.

5. Learned counsel for petitioner relied upon the following citations:

(1) (2022) 10 SCC 51 in the case of Satender Kumar Antil Vs. Central Bureau of Investigation and another.

(2) Crl. Petition No. 11294/2022 in the case of Ravi @ Kumaran Ravi Vs. State of Karnataka by Bagaluru P.S.

6. The point that arises for my consideration is :

1. Whether bail application filed under Sec.439 of Cr.P.C. by accused No.1 deserves to be allowed?

7. My finding to the above points are as under:

Point No.1 : In the *Negative*,

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

### REASONS

8. **Point No.1:-** Along with this bail application, certified copy of FIR in Sampigehalli P.S. Crime No.312/2022, first

information remand applications, order sheet of the learned Magistrate in crime No. 312/2022 are enclosed.

9. In memo of instructions, Investigating officer has stated Test Identification Parade has been conducted, accused No.1 has been identified by first informant as one of the assailants. In memo of instructions, Investigating Officer has given list of 15 cases, in which A-1/petitioner is one of the accused. According to prosecution accused does not have permanent place of residence, he does not own any immovable property, he is a habitual offender. Petitioner/A-1, is involved in totally 15 cases, this aspect discloses that there is no reformation of whatsoever nature in him. Petitioner/A-1 is in the habit of violating conditions imposed at the time of grant of bail. In the present case, i.e., Sampige Halli P.S. crime No. 312/2022, charge sheet is yet to be filed. The series of cases in which, A-1 has involved himself demonstrates that petitioner/A-1 will not abide by any of the conditions imposed upon him. Offences alleged in present case is punishable u/S 395 of IPC. It appears that 5 accused persons have together conspired and have in a planned manner, executed their intention.

10. Citations referred to by the learned counsel for petitioner/A-2

deals with the cases or offences which are punishable with imprisonment of less than 7 years, punishment prescribed for offence punishable u/S 395 of IPC is higher than 7 years. It appears that A-1/petitioner is the king pin of all the events that have taken place in the fifteen cases referred to by I.O. Considering the aforesaid aspects, this court is of opinion that due to the habitual nature of petitioner, he is not entitled to bail. Hence, I answer above point in the negative and proceed to pass the following:

### **ORDER**

Bail application filed under Section 439 of Cr.P.C. by Petitioners/ A1 in Hebbal P.S. crime No. 103/2023 is hereby rejected.

(Dictated to the Stenographer, transcribed and typed by him, after corrections, pronounced by me in the Open Court on this the **16<sup>th</sup> day of August, 2023**).

(NARASHIMSA.M.V.)  
LX Addl. City Civil & Sessions Judge,  
Bengaluru.