

**IN THE COURT OF XXII ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE (CCH 7)**

Present: Sri. Balagopalakrishna,
XXII Additional City Civil and
Sessions Judge, Bengaluru. (CCH. 7)
I/c of 69th Addl. City Civil and Sessions Judge,
City Civil Court, (CCH 70).

Dated this the 19th day of August, 2023

Crl.Misc.No.7455/2023

Petitioner : Sri Mizazur Rohman Laskar
aged about 25 years,
s/o Mulim Ali Laskar
r/at No. 42/1,
Kodandaramanagar,
Shivajinagar,
Bengaluru 560 001.

(By Sri. Bramha Nanda Reddy, Advocate)

Vs.

Respondent : State of Karnataka
By Yelahanka New Town P.S.
Bengaluru.

(By Public Prosecutor)

**ORDER ON BAIL PETITION FILED
U/SEC. 439 OF CR.P.C.**

This petition is filed by the petitioner u/sec. 439 of Cr.P.C. praying to grant regular bail to him in Cr. No. 229/2023 of Yelahanka New Town P.S. for the offence punishable u/sec. 394 r/w 34 of IPC.

2. It is stated in the petition that the respondent police have registered Cr. No. 229/2023 against the petitioner alleging the offence punishable u/sec. 394 r/w 34 of IPC on the basis of the information given by one Manju P. It is further stated in the petition that the petitioner is innocent and he has not committed any offence as alleged by the police. It is stated in the remand application that accused No. 1 and 2 have committed the alleged offence, the petitioner is no way involved in the alleged crime. His name has been included in the remand application alleging that he helped the accused No.1 to escape from the spot by booking the flight ticket. The stolen jewels have been recovered from accused No.2. the petitioner and his wife are from Assam and settled at Bengaluru for their livelihood, no material objects are recovered from the possession of the petitioner. He is falsely implicated with malafide intention. He is in JC since from the date of arrest. The petitioner is the permanent resident of address mentioned in the cause title and he is coming from respectable family and he has no bad antecedents or previously convicted and there is no case pending against him. The petitioner is ready to abide by any of the terms and conditions that may be imposed by the court for his enlargement on bail. The petitioner is ready and willing to offer surety to the satisfaction of the court. Hence prayed to allow the petition.

3. The learned Prosecutor has filed objections to the petition alongwith report by opposing the grant of regular bail to the petitioner on the ground that the offence alleged to have been committed by the are grave in nature. It is further stated that the investigation is in progress, if the petitioner is enlarged on bail he

may commit similar offence in future. He is further stated that if the petitioner is enlarged on bail it would be difficult to secure his presence for investigation. With all these grounds amongst others learned PP has prayed to reject the petition filed by the petitioner.

4. Heard the arguments of learned P.P. and also counsel for the petitioner. Perused the petition, objection and other material on record.

5. The following points would arise for my consideration are as under:

1. Whether the petitioner has made out grounds to grant regular bail u/sec. 439 of Cr.P.C.?
2. What order?

6. On the basis of the evidence available on record my finding on the above points are as under:

- i. Point No.1: **In the affirmative.**
- ii. Point No.2: As per final order on the following

REASONS

7. The petitioner has filed present petition praying to grant regular bail to him in Cr. No. 229/2023 of Yelahanka New Town police station for the offences punishable u/sec. 394 r/w 34 of IPC. The said crime was registered by the police on the basis of the information given by Manju P. The petitioner has produced the certified copy of the FIR, complaint and other documents. As per the FIR it is alleged that Ameer Hussain Majumdar was appointed as security through NGV Security Agency to look after the grand mother of the complainant and on 10.7.2023 in the mid night the said person along with another person have hatched a plan and tied the mouth and hands of the grand-mother of the complainant

and snatched 4 bangles and robbed cash of Rs. 50,000 from the house and fled away from the spot. Accordingly the complainant lodged complaint and during investigation on 22.7.2023 again the complainant reported that certain golden ornaments were missing from the house, which are one gold bracelet, 9 silver plates, one silver cup, one pair silver statues, one pair Ganesh statue, one padaraksha, one branz ring and one ring are missing.

8. However the petitioner has denied the said allegations and contended that the complainant has made allegations against accused No.1 and 2 only, his name is not found in the FIR. It is alleged that he has helped the other accused to escape, which is false.

9. On going through the material on record and on hearing both sides, The offences alleged against the petitioner is not exclusively punishable with death or imprisonment for life. The remand application shows that this petitioner / accused No. 3 had helped the accused No.1 and booked the Air ticket and helped him to escape alongwith stolen articles. The IO has seized the stolen articles from the house of accused No.2. The petitioner contends that he has not committed any offence. On receiving the flight charges from the accused this petitioner has booked the flight to the native of the accused. It is the business of the petitioner to book a ticket to flight to accommodate the passengers. Merely he booked the ticket, it cannot said that there is involvement of accused in the crime. The said aspect has to be adjudicated only after full fledged trial. The petitioner is in JC since from the date of arrest. The petitioner is the permanent resident of Bangalore. Further petitioner is residing within the

jurisdiction of the Magistrate. The petitioner is also ready to abide by terms and conditions imposed by the court for his enlargement on bail. The petitioner is ready to furnish surety to the satisfaction of the court for his appearance before the I.O. he is also ready to cooperate with the investigation of the case. As such there is no chance of the petitioner absconding or fleeing away from justice. The presence of the petitioner during investigation of the case can be secured by imposing suitable terms and conditions. The apprehension of the learned PP or IO can be met out by imposing some conditions. Under the above facts and circumstances of the case I am of the opinion that the petition filed by the petitioner is deserves to be allowed and petitioner can be granted regular bail by imposing suitable conditions. Accordingly this Point No.1 is in the affirmative.

10. Point No.2: By considering the above over all reasons this court proceed to pass the following;

ORDER

Bail petition filed u/sec. 439 of Cr.P.C. by the Petitioner is allowed.

Petitioner is ordered to be released on regular bail in Cr. No. 229/2023 for the offence punishable u/sec.394 r/w 34 of IPC on executing his personal bond for Rs.1,00,000/- with one surety for the likesum on the following conditions.

1. The Petitioner shall not tamper with the Prosecution witnesses either directly or indirectly in any manner.
2. He shall not abscond from the ordinary residence and should furnish the address proof to the concerned police.

3. He shall not involve in any kind of offence.
4. He shall appear before the court regularly.

If any of the above conditions violates the IO is at liberty to move for cancellation of bail.

(Dictated to the JW, transcript thereof is corrected, signed and then pronounced by me in open court on this the 19th day of August, 2023)

(Balagopalakrishna)
22nd Addl. City Civil & Sessions Judge (CCH 7)
I/c of 69th Addl. City Civil and Sessions Judge,
Bangalore.

