IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 7070 OF 2023

BETWEEN:

MOHAMMAD JAMIL HUSSAIN CHOUDHARI,
S/O. ABDUL SALAM CHOWDHARY,
AGED ABOUT 23 YEARS,
RESIDING AT: BEHIND MAHADEVAPURA P.S.,
MAHADEVAPURA,
BENGALURU - 560 048.

PERMANENT ADDRESS:
WARD NO.3, BAGAN VILLAGE,
PARANTALA POST,
DHAARMANAGAR DISTRICT, TRIPURA SOUTH,
TRIPURA.

...PETITIONER

(BY SRI. NATARAJ D., ADVOCATE)

AND:

Digitally signed by NANDINI M S
Location: High Court of Karnataka

STATE OF KARNATAKA
BY INDIRANAGAR POLICE STATION,
BENGALURU,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA COMPLEX,
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. K. P. YASHODA, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC PRAYING TO ENLARGE HIM ON BAIL IN CR.NO.269/2022 (S.C.NO.638/2023 REGISTERED AT INDIRANAGAR POLICE STATION FOR THE OFFENCE P/U/S 3, 4 AND 5 OF IMMORAL TRAFFIC PREVENTION

ACT AND 370 OF IPC, PENDING BEFORE THE LXXI ADDL. CITY CIVIL AND SESSIONS JUDGE, (CCH-72), BENGALURU AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

Accused No.2 in Crime No.269/2022 registered by Indiranagar Police Station, Bangalore City for the offence punishable under Section 370 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC' for short) and under Sections 3, 4 and 5 of the Immoral Traffic Prevention Act, 1956 (hereinafter referred to as 'the Act of 1956' for short) is before this Court seeking regular bail.

2. Heard the learned counsel for the parties.

3. On the basis of complaint lodged by the Inspector of police, S.H.O, Indiranagar Police Station had registered FIR in Crime No.269/2022 against three persons for the aforesaid offences. The petitioner was arrested in the said case on 13.12.2022. The investigation is completed and the charge sheet is already filed. The bail application filed by the petitioner in Crl. Misc.

No.1063/2023 before the Court of LXXI Additional City Civil and Sessions Judge, Bengaluru City (CCH-72) was dismissed on 13.04.2023. Under these circumstances, the petitioner is before this Court.

4. Learned counsel for the petitioner reiterating the grounds urged in the petition submits that petitioner is only an employee of accused No.1 and the alleged offences cannot be invoked against him. He also submits that the petitioner is in custody since 13.12.2022. Investigation is completed and the charge sheet is filed.

5. *Per contra,* the learned HCGP has opposed the bail application contending that the petitioner has been charge sheeted for the offence punishable under Section 370 of IPC and Sections 3, 4 and 5 of the Act of 1956.

6. In the case on hand investigation is completed and the charge sheet is already filed. The alleged offences against the petitioner are neither punishable with death

nor with imprisonment for life. Petitioner is in custody since 13.12.2022. As per the charge sheet material, petitioner is only an employee of accused No.1. He has no criminal antecedents.

7. Under these circumstances, I am of the view that the petitioner has made out *prima facie* case for grant of regular bail. Accordingly, the following:

O R D E R

The Criminal Petition is ***allowed***.

The petitioner/accused No.2 is directed to be enlarged on bail in Crime No.269/2022 of Indiranagara Police Station registered for the offences punishable under Section 370 of IPC and Sections 3, 4 and 5 of the Act of 1956, subject to the following conditions:

a) Petitioner/accused No.2 shall execute personal bond for a sum of Rs.1,00,000 (Rupees One Lakh only) with one surety for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner/accused No.2 shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner/accused No.2 shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner/accused No.2 shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

e) Petitioner shall not involve in similar offences in future.

Sd/-
JUDGE

VBS
List No.: 1 Sl No.: 71
CT: AVB