

IN THE HIGH COURT OF KARNATAKA
GULBARGA BENCH

DATED: THIS THE 31ST DAY OF OCTOBER, 2013

BEFORE

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

CRIMINAL PETITION NO.15936 OF 2013

BETWEEN

SHAIK MAHBOOB S/O: MOHAMMED AHMED,
AGED ABOUT: 35 YEARS,
OCC: ATTENDER WORKING IN
GND COLLEGE, BIDAR,
R/O. SHASTRI NAGAR, MAILLOOR,
BIDAR.

...PETITIONER

(BY SRI.LIYAQAT FAREED USTAD, ADVOCATE)

AND

THE STATE OF KARNATAKA
REP.BY SANTHPUR POLICE STATION,
BIDAR.

...RESPONDENT

(BY SRI. S.S.ASPALLI, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.439 OF
CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL
IN CRIME NO.26/2013 (C.C.NO.338/2013), REGISTERED
BY THE SHANTHPUR P.S. DIST: BIDAR, WHICH IS
REGISTERED FOR THE OFFENCES P/U/S 392, 394, 347,
109, 120(B) OF IPC.

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

ORDER

The petitioner has sought for grant of bail in connection with Crime No.26/2013 of Shanthapur Police Station, Bidar, for the offences punishable under Sections 392, 394, 347, 109, 120(B) OF IPC.

2. Heard the learned counsel for the petitioner and learned Government Pleader.

3. It is alleged that on 25.3.2013 around 5.00 p.m., the complainant was on his way from Bidar to Aurad in a TATA Sumo vehicle. At about 9.45 p.m. when he left Aurad after collecting the amount towards sale of Gutka and other stationery items and when he came near Kappankeri Cross, three unknown persons aged between 30 to 35 years came in a motorcycle and threw chilly powder on the face of the complainant and

decamped on snatching the bag containing Rs.2,25,000/- and a mobile phone.

4. It is the submission of the learned counsel for the petitioner that the petitioner is innocent of the alleged offence and only on the statement of other accused, petitioner has been implicated in this case. Earlier another petitioner has been granted bail, accordingly, he has sought for grant of bail.

5. Government Pleader submitted, that at the instance of this accused, petitioner motorcycle as well as cash are seized and there is a prima facie case against the petitioner accordingly, he sought for dismissal of the petition.

6. Cash of Rs. 4,79,000/- is said to have been seized from this petitioner apart from the motorcycle. In the circumstance, the recovery points towards the petitioner's involvement. It may not be appropriate to

consider the case of the petitioner for grant of bail at this stage.

Petition is disposed of.

**Sd/-
JUDGE**

msr