

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28TH DAY OF FEBRUARY 2013

BEFORE

THE HON'BLE MR.JUSTICE K.N.KESHAVANARAYANA

CRIMINAL PETITION No.711 OF 2013

BETWEEN:

1. Saleem
S/o Basha
Aged about 41 years
R/at No.24, Shafi House
6th Cross, Madhina Nagar
Mangammana Palya
Bommanahalli
Bangalore – 560 069.
2. Nayaz
S/o Basha
Aged about 46 years
R/at Basheer House
5th Cross, Near Ayusha Masjid
Mangammana Palya
Bommanahalli
Bangalore – 560 069.
3. Mujeeb
S/o Ameer Jan
Aged about 31 years
R/at No.39, 4th Cross
Near Kajwa Masjid
Mangammana Palya
Bommanahalli
Bangalore – 560 069
(Accused No.3)

...Petitioners

(By Shri D.S.Sampath, Advocate for
M/s. Parthna Law Assts., Advocates)

AND:

State by Madiwala Police
Bangalore – 560 092
Represented by
SPP High Court of
Karnataka.

...Respondent

(By Shri G.M.Srinivasa Reddy, GP)

This Criminal Petition is filed under Section 439 of the Code of Criminal Procedure praying that this Hon'ble Court may be pleased to enlarge the petitioners on bail in Crime No.9/2013 of Madivala P.S., Bangalore City, for the offence P/U/S 397, 420 and 342 of IPC.

This Criminal Petition coming on for orders on this day, the Court made the following: -

ORDER

Petitioners have been arraigned as accused Nos.1 to 3 in Crime No.9/2013 of Madiwala police station, Bangalore city registered for the offences punishable under Sections 397, 420 and 342 IPC.

2. The aforesaid case, according to the prosecution came to be registered on the basis of the report lodged by one Himanshu Purani, resident of

Delhi on 03.01.2013 wherein he has interalia alleged that believing the words of one Akhil arraigned as accused No.6 whom he knew from couple of years he came to Bangalore with cash of Rs.20.00 lakhs on 12.12.2012 for purchase of chemicals and as directed by Accused No.6 Akhil, he was picked up from the Majestic Bus Stand by Saleem, the first petitioner herein and from there he and his friend Nayaz were taken in a car on NH-7, Hosur road Mangammana Palya and from there they were taken to a room in a factory premises and at that place there were five persons and all of them by threatening to kill him took away bag containing Rs.20.00 lakhs and after tying their hands and legs closed their mouth with tapes and made them to stay in the said room whole of the day and night and on the next day they were released and at that time they were threatened with injuries to their lives if they informed anyone about the incident and while releasing them, the culprits handed over Rs.55,000/- cash for the purpose of going back to Delhi and from there they were

taken in a car and dropped in the Airport around 5 p.m. and since he and his friend were scared and in a frightened mood and under great shock they did not immediately go to the police station to report the matter, instead they went back to Delhi and thereafter report came to be filed on 03.01.2013. During investigation these petitioners were apprehended and at their instance cash of Rs.8.00 lakhs and odd has been recovered. Thereafter, they were subjected to judicial custody. Their application filed for grant of bail came to be rejected by the learned Sessions Judge. Therefore, they are before this Court.

3. As noticed supra, the names of these petitioners have been disclosed in the report lodged by the complainant. No doubt, there is some delay in lodging the report, however on that ground alone case of the prosecution cannot be doubted. The complainant should have an opportunity to explain the delay in lodging the report, as some explanation has been given in the report itself.

4. As noticed supra, According to the case of the prosecution, after the arrest of these petitioners at their instance, cash of Rs.8.00 lakhs and odd has been recovered. Accused No.6 is still absconding. Therefore, if these petitioners are released on bail there is every likelihood of they fleeing away from justice and tampering the prosecution witnesses.

5. In this view of the matter, I am of the considered opinion that the petitioners are not entitled for relief of bail.

Hence the petition is rejected.

SD/-
JUDGE

GH