

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2016

BEFORE

THE HON'BLE Mr. JUSTICE L. NARAYANA SWAMY

CRIMINAL PETITION NO.4137 OF 2016

BETWEEN:

THOUFIQ
S/O ABDUL KHUDDUS,
AGED ABOUT 26 YEARS,
R/O 3RD CROSS,
PANGERDEN, LALBAGH,
BELGAUM - 560 027.

... PETITIONER

(BY SRI.HANUMANTHARAYA C H, ADV.)

AND:

STATE OF KARNATAKA
BY KUDUR P.S.
MAGADI TALUK,
RAMANAGAR DISTRICT - 571 511
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING COMPLEX,
BANGALORE - 01.

... RESPONDENT

(BY SRI.K.NAGESHWARAPPA, HCGP)

THIS CRL.P. IS FILED U/S.439 CR.P.C, PRAYING TO
ENLARGE THE PETR. ON BAIL IN CR. NO.281/2015 OF KUDUR
P.S., RAMANAGARA AND C.C.NO.568/2015, FOR THE OFFENCE
P/U/S 143,147,148,302,109,120B R/W 149 OF IPC.

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

ORDER

Case came to be registered in Crime No. 281 of 2015 by Kudur Police Station, Magadi Circle, Ramanagara District for the offence punishable under Section 302 of the Indian Penal Code against the petitioner and others. The petitioner herein is accused No.4.

2. The case of the complainant is that on 4th September 2015, when he was discharging his duties in the hotel as Cashier, at about 9.15 a.m., some unknown people barged into the hotel and killed the customer by stabbing him on different parts of the body and were fleeing the scene. At that time, the public chased them and caught hold of four people and other escaped.

3. The learned counsel appearing for the petitioner submits that the petitioner came to be arrested on 9th September 2015. The petitioner is innocent of the charges alleged against him. He submits that the petitioner is the only

bread winner of the family and he is in judicial custody since the date of his arrest. He also submits that the accused No.5, 6, 8 and 9 are already enlarged on bail. Hence, he prays that the petitioner be enlarged on bail on the ground of parity and by imposing any stringent conditions.

3. The learned HCGP submits to dismiss the petition. He submits that if the petitioner is enlarged on bail, it would be difficult for the prosecution to procure him again for investigation/interrogation.

4. Heard the learned counsel for the petitioner and the learned HCGP and gone through the petition papers and the charge sheet. In the facts and circumstances of the case and also in view of the case that the other accused 5, 6, 8 and 9 are already enlarged on bail, on the ground of parity, this petitioner is also entitled to be enlarged on bail. Accordingly, the petition under Section 439 of Cr.P.C. is allowed and the petitioner is granted bail subject to the following conditions:

- 1) The petitioner shall execute a bond for a sum of Rs.30,000/- with one solvent surety for the like sum to the satisfaction of the jurisdictional court;

- 2) The petitioner shall mark attendance on the second Sunday of every month in the jurisdictional Police Station between 9.00 a.m. and 5.00 p.m. for a period of six months from the date of his release;
- 3) The petitioner shall not hold out threat to prosecution witnesses or tamper with evidence;
- 4) The petitioner shall attend the court on all dates of hearing, except under unavoidable circumstances;
- 5) If the petitioner violates any of the above conditions, prosecution will be at liberty to seek cancellation of bail.

Ordered accordingly.

**Sd/-
JUDGE**

Inn