

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF AUGUST, 2020

BEFORE

THE HON'BLE MR. JUSTICE K.SOMASHEKAR

**CRL.P.No.3759/2020**

**BETWEEN:**

Sri John William @ Appu,  
S/o Late Ravi,  
Aged about 28 years,  
R/at 1<sup>st</sup> Floor, 9<sup>th</sup> Cross,  
2<sup>nd</sup> Main, Anepalya,  
Bengaluru – 560 030.

**Permanent resident of**  
No.00, 1<sup>st</sup> Cross, 2<sup>nd</sup> Main,  
Shakthivelu Nagar,  
Vinayakanagara,  
Bangalore – 560 027.

**... PETITIONER**

**(By Sri Prakasha .K.V., Adv.)**

**AND:**

State by Ashok Nagar Police Station,  
Bangalore,  
Represented by  
Special Public Prosecutor,  
High Court of Karnataka,  
Bangalore – 560 001.

**... RESPONDENT**

**(By Sri Divakar M.Maddur, HCGP)**

This Criminal Petition is filed under 439 Cr.PC praying to enlarge the petitioner on bail in Crime No.434/2019 of Ashoknagar P.S., Bengaluru City, for the offence punishable under Sections 448, 395, 397 read with Section 34 of IPC.

This Criminal Petition coming on for Orders, through video conferencing this day, the court made the following:

**ORDER**

1. The petitioner herein is arrayed as accused in Crime No.434/2019 of Ashoknagar Police Station for the offences punishable under Sections 448, 395, 397 read with Section 34 IPC. Subsequently, the Investigating Officer has thoroughly investigated the case and filed charge sheet in C.C.No.52497/2020 arising out of Crime No.434/2019. Learned Counsel for the petitioner has produced the copy of the charge sheet filed by the Investigating Officer against the accused.

2. Since from the date of his arrest, the accused is in judicial custody. Hence, the Counsel for the petitioner prays for enlarging the accused on regular bail amongst the grounds urged therein.

3. It is alleged in the complaint that on 12.12.2019 at about 12 noon, when the complainant, his three roommates and four friends were there in the house, two

unknown persons trespassed into the house and threatened the complainant and his friends by showing knife and demanded them to pay money. The accused persons had brought bong, ganja, etc., and placed them before the complainant and his friends and made them to puff, video-graphed the same and started blackmailing them by stating that if they do not pay money they would make the video viral. Initially, the petitioner and others demanded Rs.50,000/- and later on they increased the demand upto Rs.1,50,000/-. It is further alleged that petitioner and others threatened the complainant and his friends, assaulted them with tennis bat and pressurized them to pay the money. Complainant's friends transferred some money to his account through Google Pay. The complainant went to ATM of Syndicate Bank along with one accused, withdrew a sum of Rs.60,000/- and gave the same to the accused. The petitioner and other accused threatened the complainant and his friends and collected gold ornaments of about 48 grams, DSLR Camera, Apple Ipod, three watches, one Bose headset, one speaker, one

ear phone and Rs.71,500/-. That the petitioner and other accused stayed in the said house along with the complainant and others, and left the house on 13.12.2019 at 10 a.m. by threatening the complainant and his friends to arrange some more money and posed life threats. Based on the said complaint, Crime No.434/2019 came to be registered by the police against the accused. Subsequent to the registration of the complaint, the Investigating Officer has thoroughly investigated the case and filed charge sheet in C.C.No.52497/2020.

4. Learned Counsel for the petitioner contends that in all eight persons were there in the house where the scene of offence had occurred. That as per the allegation in the complaint, only two unknown persons entered into the house. That though there were in all eight persons in the house including the complainant, none of them neither resisted nor obstructed the attitude of the accused, which is doubtful. That there is a delay of three days in lodging the complaint against the accused and that itself indicates that only after due deliberation and consultation and also

colluding with the police, the complaint came to be registered against the culprits and then proceeded with the case for investigation and filed the charge sheet against the accused. That merely because other crimes came to be registered against the accused, the benefit of bail cannot be declined to this accused. That the other co-accused in the aforesaid crime have been already released by the Trial Court. Therefore, this accused stands on a similar footing with the other accused for having committed the alleged offences. That the accused is ready to abide by any terms and conditions that may be imposed by this Court while granting bail to them. That since the charge sheet has already been filed, the accused is not required by the investigating agency for the purpose of any investigation.

5. On the other hand, learned HCGP appearing for the State contends that this accused has involved in other crimes in Crime No.122/2016 of Wilson Garden Police Station for the offence punishable under Section 307 IPC, in Crime No.416/2017 of Ashoknagar Police Station for the offence punishable under Section 392 IPC and in Crime

No.16/2018 of Wilson Garden Police Station for the offence punishable under Sections 399, 402 of IPC. That based on the voluntary statement of the accused, the Investigating Officer has recovered the items from the accused during the course of investigation. Therefore, learned HCGP submits that if the accused is released on bail, certainly he would try to destroy the case of the prosecution by tampering with the evidence, and therefore, he prays to dismiss the petition.

6. Having regard to the aforesaid rival contentions, it is relevant to refer the contents of the FIR, wherein it is recorded that the complainant and others are the students of St.Josheph's College in Shanthinagar and since 6 to 7 months, they have been residing in Vattathil House, 9/3 C Street, Longford Anugraha Layout, Shanthinagar, Bengaluru. On 12.12.2019 at about 12.00 noon, when the complainant, three roommates and four friends were there in the said house, petitioner and other culprits trespassed into the said house and threatened the complainant and his friends with knife point and demanded to pay certain

money. The petitioner and others brought bong, ganja, etc., and placed them before the complainant and his friends and made them to puff, videographed the same and started blackmailing them by stating that if they do not pay money, they would make the video viral. Initially, the petitioner and others demanded a sum of Rs.50,000/- and subsequently, increased the demand to Rs.1,50,000/-. That apart, the accused have threatened the complainant and others with dire consequences.

7. The accused is in judicial custody since the date of his arrest and the co-accused in the aforesaid crime have been already released on bail by the Trial Court. The Investigating Officer has thoroughly investigated the case and has filed the charge sheet. The articles which had been robbed have also been seized by the Investigating Officer during the course of investigation and the same has been submitted in P.F.No.199/2019, P.F.No.200/2019 and P.F.No.201/2019. Since the investigation is completed and the charge sheet has been filed, therefore it is opined that the accused is deserving bail.

8. However, the apprehension of the learned HCGP that if the accused is released on bail, certainly he would try to destroy the case of the prosecution by tampering with the evidence, can be addressed by imposing stringent conditions on the accused to safeguard the interest of the prosecution. The parameters for consideration of bail petition are whether the accused is readily available to face the trial, whether the accused had come in the way of the prosecution case in respect of the cited witnesses, whereas the prosecution is required to establish the case against the accused by putting forth the evidence to prove the guilt of the accused before the trial court. However, the said parameters could be satisfied by imposing rider on the accused that he shall not come in the way of the prosecution to any extent as he is requiring to face trial. Accordingly, I proceed to pass the following:

**ORDER**

The petition is allowed. The petitioner is directed to be released on bail in Crime No.434/2019 relating to



C.C.No.52497/2020, by Ashoknagar Police, Bengaluru City, subject to the following conditions:

- (i) The petitioner shall execute a 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 concerned court in C.C.No.52497/2020 arising out of Crime No.434/2019 of Ashoknagar Police Station;
- (ii) The petitioner shall appear before the Trial Court on all the dates of hearing without fail;
- (iii) The petitioner shall not tamper or hamper the prosecution witnesses;
- (iv) The petitioner shall not leave the jurisdiction of Bengaluru City without prior permission from the competent court of law;
- (v) The petitioner shall mark his attendance once in a month on the first week of Sunday in between 10 a.m. and 5 p.m. as per the English monthly calendar before the SHO in Crime No.434/2019 pending disposal of the entire case.

(vi) The petitioner shall not indulge in any criminal activities henceforth;

9. If the petitioner violates any of the aforesaid conditions, the bail order shall automatically stand cancelled.

**Sd/-  
JUDGE**

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