

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE B.A.PATIL

CRIMINAL PETITION No.4551/2020

BETWEEN:

Adhil Khan @ Adhil
S/o Shabbir Khan
Aged about 28 years
R/at No.5, Beside welding shop
Near Sai Baba Temple
Muthyalamma Nagara,
Railway under pass,
Yeshawanthapura,
Bangalore-560 006.

...Petitioner

(By Sri.M.Krishne Gowda, Advocate)

AND:

State of Karnataka,
State by Thalagattapura P.S.,
Reptd. By High Court Govt. Pleader,
High Court of Karnataka,
Bangalore – 560 001.

...Respondent

(By Sri.Mahesh Shetty, HCGP)

This Criminal Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.35/2020 of Thalaghattapura P.S., Bengaluru City for the offence P/U/S.143, 109, 115, 118, 302, 120B, 201, 149 of IPC.

This Criminal Petition coming on for Orders '**through Video Conference**', this day, the Court made the following:-

ORDER

This petition has been filed by the petitioner-accused No.6 under Section 439 of Cr.P.C. to release him on bail in Crime No.35/2020 of Thalaghattapura Police Station (now in C.C.No.4672/2020 pending on the file of 2nd Additional Chief Judicial Magistrate) for the offences punishable under Sections 143, 109, 115, 118, 302, 120B, 201 r/w 149 of IPC.

2. I have heard the learned counsel Sri.M.Krishne Gowda for the petitioner-accused virtually and the learned High Court Government Pleader Sri.Mahesh Shetty for the respondent-State.

3. The gist of the complaint is that there was a property dispute between the deceased and the other accused on 14.2.2020 at 3.30 p.m. around 9.30 a.m. the

deceased had been to visit his friend, around noon 1.30 the security guard of the Raj Enclave came to the complainant's house and stated that near the Tranquil Apartment at Gubbalala main road the deceased had fallen. When the complainant went to the spot she found the deceased in the pool of blood, injuries caused by the sharp weapon, the throat has been cut and caused death. On the basis of the complaint a case has been registered.

4. It is the submission of the learned counsel for the petitioner that there are no serious overt acts alleged against the petitioner-accused. He was not present at the place of alleged incident and he has been falsely implicated in the said case only on the basis of the voluntary statement. He is ready to abide by the conditions imposed by this Court and ready to offer the sureties. On these grounds he prayed to allow the petition and to release the petitioner-accused on bail.

5. *Per contra*, the learned High Court Government Pleader vehemently argued and submitted that the petitioner-accused is involved in a serious offence, wherein the charge sheet indicates that he has actively participated in the alleged crime along with the accused persons and he has also taken supari for taking away the life of the deceased. At the instance of the accused persons knife has been recovered and Rs.20/- notes of Rs.500/- denomination has been recovered at the instance of the petitioner-accused, apart from the motorbike. The petitioner-accused is a habitual supari killer and if he is released on bail, again he may indulged in similar type of criminal activities. On these grounds he prayed to dismiss the petition.

6. I have carefully and cautiously gone through the submissions made by the learned counsel appearing for the parties and the charge sheet material and perused the records.

7. On going through the charge sheet material it indicates that all the accused persons have conspired and they shared the supari, and they hatched a plan to done away with life of the deceased. Even the amount has also been recovered from the possession of the petitioner-accused No.7. When he is involved in a serious offence which is punishable with death or imprisonment for life and the contents of the charge sheet material indicates that it is a syndicate for the purpose of eliminating the people mercilessly by taking the supari, if such people are released on bail, definitely they will again involved in such type of criminal activities and there is likelihood of tampering the prosecution evidence and he may abscond.

In the light of the discussion held by me above, the petition is liable to be dismissed and accordingly it is ***dismissed.***

**Sd/-
JUDGE**

*AP/-