

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 25<sup>th</sup> OF DAY OF FEBRUARY, 2010

BEFORE

THE HON'BLE MR . JUSTICE L.NARAYANASWAMY

CRIMINAL PETITION No. 89 of 2010

BETWEEN:

T.K. Ansar  
S/o. Usman,  
Aged about 26 years,  
Residing at: Baiyaparambath House,  
Eriganoor Village and Post,  
Nadapura, Vadagara Taluk,  
Kozhikod District,  
Kerala State ... PETITIONER

(By Shri.L. Sudharshan)

AND:

The State of Karnataka,  
By Ponnampet P.S.,  
Represented by S.P.P. High Court,  
Bangalore ... RESPONDENT

(By Shri.Vijayakumar Majage, HCGP for R-1)

THIS CRIMINAL PETITION FILED UNDER SECTION  
439 OF CODE OF CRIMINAL PROCEDURE, BY THE  
ADVOCATE FOR THE PETITIONER PRAYING THAT THIS



HON'BLE COURT MAY BE PLEASED TO ENLARGE RELEASE THE PETITIONER ON BAIL IN CRIME NO.104/2009 OF PONNAMPET POLICE STATION PENDING IN C.C. NO.1553/2009 PENDING ON THE FILE OF PRL/II ADDL. C.J. (JUNIOR DIVISION) AND JMFC, VIRAJPET, FOR THE OFFENCE PUNISHABLE UNDER SECTION 341 AND 395 OF IPC.

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

ORDER

The petitioner himself has made a complaint that while he was carrying cash of Rs.3,70,000/- some persons have robbed him and taken all the amount along with a mobile phone.

2. After the investigation, it was found that the petitioner himself has involved and he has colluded with accused nos.2 to 3. Investigation is already completed.


3. The counsel for the respondent submitted that the petitioner is innocent. Hence, he himself made a complaint. Instead of arresting the real accused, the police

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have arrested him and he is in custody for the last six months. He has a duty to take care of his ailing mother and therefore submitted that bail may be granted.

4. The counsel for the respondent submitted that the complaint made by the petitioner himself is disbelieved and after investigation it is found that the petitioner having colluded with accused nos. 2 to 5 had committed the offence and accused no.2 is still absconding and attempts are being made to arrest the accused. In these circumstances, if the petitioner who is accused no.1 is released on bail he will obstruct the progress of investigation. Hence, he submitted that the petition be rejected.

5. I have gone through the order passed by the lower court and also perused the material placed on record and found that if the petitioner is granted bail there is a likelihood of him obstructing the investigation process and



it will be helpful to the prosecution if accused no.1 is apprehended.

7. Under these circumstance liberty is reserved to the petitioner to prefer petition for grant of bail after two months.

Sd/-  
JUDGE

JJ