

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF NOVEMBER, 2015

BEFORE

THE HON'BLE MR. JUSTICE A.N.VENUGOPALA GOWDA

CRIMINAL PETITION NO.201055/2015

BETWEEN:

M.D. SADDAM
S/O M. D. YOUSUF MIYAN
AGED 22 YEARS
OCC: COOLIE WORK
R/O VILLAGE WALDODDI
TQ. AND DIST. BIDAR
REP. THROUGH
M. D. YOUSUF MIYAN.

... PETITIONER

(BY SRI RAVI B PATIL, ADVOCATE)

AND:

THE STATE THROUGH
BIDAR TOWN POLICE.

... RESPONDENT

(BY SRI P S PATIL, ADDL. SPP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439
OF CR.P.C PRAYING TO PASS AN ORDER BY GRANTING THE
BAIL TO THE PETITIONER IN C.C.No.282/2015 PENDING ON
THE FILE OF THE JMFC, BIDAR, ARISING OUT OF CRIME

No.67/2015 REGISTERED BY THE RESPONDENT/BIDAR TOWN POLICE FOR THE OFFENCE UNDER SECTIONS 143, 147, 148, 323, 324, 326, 504, 506, 304 R/W 149 OF IPC.

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

O R D E R

The petitioner is accused No.2 in C.C.No.282/2015, on the file of the Additional JMFC at Bidar. Petitioner along with five others have been accused of committing offences punishable under Sections 143, 147, 148, 323, 324, 326, 504, 506, 304 r/w Section 149 IPC. FIR in Crime No.68/2015 was registered by respondent on 09.07.2015. After conducting the investigation, charge sheet was filed on 05.09.2015 for the offences punishable under Sections 143, 147, 323, 324, 504 r/w Section 34 IPC.

2. Accused Nos.1, 3, 5 and 6 had filed Crl.P.No.200746/2015 under Section 439 Cr.P.C., to grant an order of bail favouring them in Crime No.67/2015 of the respondent. The said petition was allowed and bail was

granted by subjecting the petitioners to conditions as per order dated 11.08.2015.

3. Heard learned advocates and perused the record. The point for consideration is, *whether the petitioner is entitled to the bail sought for?*

4. The charge sheet has been filed by the respondent. The case is yet to be committed to the Sessions Court.

5. Since the investigation is complete and as the charge sheet has been filed, the continued presence of the petitioner in judicial custody is unnecessary. The petitioner is a coolie and a permanent resident of Waldoddi Village in Bidar Taluk and has deep roots in the community. Since the investigation is complete and there is no possibility of either tampering with the prosecution evidence or hampering of the trial, taking into

consideration the principle of parity, the petitioner is entitled to the bail sought for.

In the result, petition is allowed and the petitioner is directed to be enlarged on bail, on he executing a personal bond for Rs.1,00,000/- and producing two sureties, who shall execute the bonds for the likesum, to the satisfaction of the learned Magistrate. The petitioner shall not cause any threat to any of the prosecution witnesses nor hamper the trial. He shall make himself available before the Trial Judge on all the hearing dates of the case. The petitioner shall not involve in any kind of criminal activity till the case is decided by the Trial Judge.

If the petitioner violates any of the conditions, it is open to the prosecution to seek cancellation of the bail.

Sd/-
JUDGE

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