

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA

DATED THIS THE 25TH DAY OF SEPTEMBER, 2012

BEFORE

THE HON'BLE MR. JUSTICE A.S. PACHHAPURE

CRIMINAL PETITION No.15927/2012

BETWEEN:

MIR ALTAMASH ALI,
S/O MIR AKBAR ALI,
AGE: 28 YEARS,
OCC: TRAVELLING AGENT,
R/O: BASAVAKALYAN,
TQ: BASAVAKALYAN, DIST: BIDAR.

... PETITIONER

[BY SRI.SIYAQAT FAREED USTAD, ADVOCATE]

AND:

1. MOHD.AKBAR,
S/O MOHD PASHA MIYA,
AGE: 28 YEARS, OCC: BUSINESS,
2. AHMED PASHA,
S/O BABASAB MULLAWALE,
AGE: 30 YEARS, OCC: BUSINESS,
3. SURESH,
S/O TULSIRAM GAIKWAD,
AGE: 42 YEARS, OCC: BUSINESS,
4. SHIVKUMAR,
S/O BHADRAPPA SIDDESHWAR,
AGE: 40 YEARS, OCC: BUSINESS,
5. SHAIK AHMED SAB,
S/O SHAIK MUBASEER,
AGE: 28 YEARS, OCC: BUSINESS,

6. IFTEKAR,
S/O GULAM MEHMOOD,
AGE: 37 YEARS,
OCC: TRAVELLING AGENT,
7. SHAHBUDDIN,
S/O CHOTU MIYA,
AGE: 36 YEARS, OCC: BUSINESS,
8. MOHD SHAKEEL,
S/O BHIKKU MIYA,
AGE: MAJOR YEARS, OCC: BUSINESS,
9. SHAIK NASEERUDDIN,
S/O SHAIK SHAHBUDDIN,
AGE: 28 YEARS, OCC: BUSINESS,
10. MOHD SALEEM,
S/O MOHD PASHA MIYA,
AGE: 33 YEARS, OCC: BUSINESS,
11. MANJU,
S/O NARSING SINDHE,
AGE: 40 YEARS, OCC: BUSINESS,
12. SRINIVAS,
S/O SHANKERAO TALANGE,
AGE: 36 YEARS, OCC: BUSINESS,
- ALL ARE R/O BASAVAKALYAN,
TQ: BASAVAKALYAN, DIST: BIDAR.
13. THE STATE THROUGH
BASAVAKALYAN TOWN P.S.

... RESPONDENTS

[BY SMT. ANURADHA.M.DESAI, ADDL.SPP]

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THIS CRIMINAL PETITION IS FILED U/S 482 OF CR.P.C. BY THE ADVOCATE FOR THE PETITIONER PRAYING TO, QUASH THE ORDER DATED 3.07.2012, 1.08.2012, 2.08.2012 IN CRL.MISC.NO.335/2012 AND CRL.MISC.NO.388/2012 AND CRL.MISC.NO.413/2012 ARISING OUT OF COMMON CRIME NO. 74/2012 RESPECTIVELY PASSED BY THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE AT BIDAR.

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

ORDER

The learned counsel for the petitioner has sought for quashing the bail orders on the ground that the reasons assigned by the learned Sessions Judge for granting the bail are not true. Section 439 (2) of Cr.P.C. deals with the authority to re-arrest the person granted bail and commit him into custody. The petitioner if he is aggrieved by the order, may file an application before the Sessions court itself. The provision of Section 439 (2) deals with the cancellation of bail and re-arrest both in a bail under Section 437, 438, and also Section 439 of Cr.P.C.

2. In such circumstances, the petition is dismissed as withdrawn with a liberty to approach the Sessions court under the aforesaid provision. If any such application is filed, the Sessions Judge shall dispose of the same in accordance with law expeditiously.

**Sd/-
JUDGE**

MSR