

**Deepak S/O Mahesh Vs State Of Karnataka By Bagalagunte Ps, Bengaluru
City. Reptd. By State Public Prosecutor, High Court Buildings,
Bengaluru 560001**

Court: Karnataka High Court At Bengaluru

Date of Decision: Jan. 31, 2025

Acts Referred: Indian Penal Code, 1860 " Section 397

Hon'ble Judges: Mohammad Nawaz, J

Bench: Single Bench

Advocate: R.V.Shivananda Reddy, Harish Ganapathy

Final Decision: Allowed

Judgement

Mohammad Nawaz, J

1. Petitioner/accused No.2 in Cr.No.205/2023 of Bagalagunte police station registered for an offence punishable under Section 397 of IPC has

preferred this petition praying to enlarge him on bail.

2. Heard both sides and perused the material on record.

3. One Sri Sagar Balasaheb Nagwade has alleged in his complaint lodged with Bagalagunte Police Station that on 13.7.2023 at about 11.25 p.m., he

was transporting onions from his village in lorry bearing No.MH-16CC-6699 to unload at APMC market in Yeshwanthpur and there were 4 persons in

the lorry. At about 11.25 p.m. on 13.7.2023, when they were near Prakriya Hospital, 8th mile, an autorickshaw overtook their lorry and blocked them.

Two persons entered the lorry and at knife point robbed a Realme mobile phone, power bank and cash of Rs.5,000/- from him and a mobile phone

from the cleaner and then assaulted them and sped away in the autorickshaw.

4. Accused Nos.1 to 3 came to be arrested and on 8.8.2023 and a child in conflict with law (CCL) was arrested on 17.8.2023 in Cr.No.221/2023

registered at Peenya Police Station for the offence punishable under Section 397 IPC. Autorickshaw, a knife, iron rod, as well as cash of Rs.1,500/-

was recovered.

5. In the present case, petitioner is arraigned as accused No.2. He was arrested along with other accused persons in Cr.No.221/2023. According to

prosecution, the autorickshaw which was used for committing the offence belong to the petitioner and the accused traveled in the said autorickshaw to

commit robbery.

6. Learned Additional SPP has contended that the petitioner is a habitual offender involved in 3 more cases and there is recovery of incriminating

articles from him and therefore, he is not entitled for bail.

7. All the accused came to be arrested in Cr.No.221/2023 of Peenya Police Station and recovery has been effected in the said case. Petitioner has

been enlarged on bail in the said case. In the present case, this Court has granted bail to accused No.3 in Crl.P.No.251/2025. Petitioner has

undertaken to cooperate with the investigation of the case. Hence, by imposing stringent conditions, relief sought can be granted. Hence, the following:

ORDER

1. Petition is allowed.

2. Petitioner/accused No.2 in Crime No.205/2023 registered by Bagalagunte Police Station, Bengaluru, shall be released in the event of his arrest,

subject to following conditions:

a) He shall appear before the Investigating Officer within one week from the date of receipt of a copy of this order and shall execute a personal bond

for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum.

b) He shall furnish his residential address/contact number and shall inform the I.O. in case of any change in the address/contact number.

c) He shall co-operate with the investigation of the case.

d) He shall mark his attendance before the jurisdictional police on every Sunday between 11.00 am and 1.00 pm, till filing of the charge sheet.

e) He shall not tamper with the prosecution evidence/witnesses either directly or indirectly.

f) He shall appear before the Court on every date of hearing without fail.

g) He shall not indulge himself in any criminal activity.