

Sagar Vs State By Bagalagunte Police Bengaluru, Represented By SPP High Court Of Karnataka Bangalore -560001

Court: Karnataka High Court At Bengaluru

Date of Decision: Jan. 29, 2025

Acts Referred: Indian Penal Code, 1860 " Section 397

Hon'ble Judges: Mohammad Nawaz, J

Bench: Single Bench

Advocate: Raju C N, Harish Ganapathy

Final Decision: Allowed

Judgement

Mohammad Nawaz, J

1. Petitioner is before this Court in this petition seeking anticipatory bail in Cr.No.205/2023 of Bagalagunte police station registered for the offence

punishable under Sections 397 of the Indian Penal Code.

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

3. The above mentioned crime is registered on a complaint lodged by Sri. Sagar Balasaheb Nagawade against three unknown persons.

4. It is the case of prosecution that on 13.07.2023, at about 11:25 p.m., accused with an intention to commit robbery, travelled in an auto-rickshaw

bearing registration No.KA-02-AJ-1876 belonging to accused No.2 and waylaid the lorry of CW.1, in which onions were loaded. Accused No.3 kept

watch at a distance and accused No.2 kept the auto engine on. Accused No.1 and the child in conflict with law (CCL) entered the cabin of lorry

holding a knife and robbed a sum of Rs.5,000/-, two mobile phones and power bank from CW.1 and all of them escaped. The two mobile phones and

power bank were thrown by the accused near Samnahalli bridge.

5. On 08.08.2023, accused Nos.1 to 3 came to be arrested and on 17.08.2023, CCL came to be arrested in connection with Cr.No.221/2023 of

Peenya Police Station registered for the offence punishable under Section 397 of IPC. The auto-rickshaw which was used in the present case and a

knife as well as cash of Rs.5,000/- which was in the possession of accused No.2 were seized.

6. Petitioner is arraigned as accused No.3 in the charge sheet. In so far as Cr.No.221/2023 is concerned, charge sheet has been filed, wherein his

name is dropped. In the present case, there is no recovery from the exclusive possession of the petitioner. No criminal antecedents against him are

brought to the notice of the Court.

7. Learned HCGP has contended that victim has identified the accused persons after their arrest. However, it is pertinent to see that the incident took

place during night hours at about 11:25 p.m., According to prosecution, only accused No.1 and the CCL entered the lorry, while the petitioner and

another accused were in the auto-rickshaw and watching the movements of others.

8. There are no criminal antecedents against petitioner which are brought to the notice of the Court. In the said facts and circumstances, the relief

sought can be granted by imposing conditions. Accordingly, the following:-

ORDER

Petition is allowed.

Petitioner/accused No.3 in Crime No.205/2023 registered by Bagalagunte Police Station, 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 proof of 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 not tamper with the prosecution evidence/witnesses either directly or indirectly.

e) He shall be regular in attending the Court proceedings.