IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 25^{TH} DAY OF JANUARY, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P. SANDESH

CRIMINAL PETITION NO.428/2022

BETWEEN:

SRINIVASA @ SEENA, S/O LATE VENKATESH, AGED ABOUT 32 YEARS, R/O 1ST CROSS, SHANKARAPURA, MANDYA 571401.

...PETITIONER

(BY SRI RAJU C.N., ADVOCATE)

AND:

STATE BY MANDYA RURAL POLICE, MANDYA, REPRESENTED BY SPP, HIGH COURT OF KARNATAKA AT BANGALORE 560001.

...RESPONDENT

(BY SRI VINAYAKA V.S., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.514/2021 REGISTERED BY MANDYA RURAL POLICE STATION, MANDYA FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 399 AND 402 OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THROUGH VIDEO CONFERENCE THIS DAY, THE COURT MADE THE FOLLOWING:

<u>ORDER</u>

This petition is filed under Section 439 of Cr.P.C. seeking regular bail of the petitioner in Crime No.514/2021 of Mandya Rural Police Station, Mandya, for the offence punishable under Sections 399 and 402 of IPC.

- 2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State.
- 3. The factual matrix of the case is that the petitioner is arraigned as accused No.5 and it is the contention that on credible information received on 24.12.2021 at about 8.15 p.m., that some persons were preparing to commit dacoity near Bhoomisiddeshwara Temple, immediately the police secured the panchas and went to the spot and apprehended the petitioner and other accused and they were having aluminium hand stick, two sticks, two dragger and one chilly powder packet and case has been registered and matter is under investigation.
- 4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated as accused No.5 and there are no any criminal antecedents against the petitioner and

the only allegation is that they were making preparation to commit dacoity and not committed any offence.

- 5. Per contra, the learned High Court Government Pleader appearing for the respondent-State submits that on credible information, the petitioner and other accused persons were apprehended and they were making an attempt to commit dacoity and they were making preparation and the matter is under investigation.
- 6. Having heard the respective learned counsel and taking note of the allegations made in the complaint as well as the gravity of the offence, no offence was committed except making preparation to commit dacoity and there are no any criminal antecedents against the petitioner. Hence, it is a fit case to exercise the powers under Section 439 of Cr.P.C. to enlarge the petitioner on bail.
- 7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in connection with Crime No.514/2021 of

Mandya Rural Police Station, Mandya, for the offence punishable under Sections 399 and 402 of IPC, subject to the following conditions:

- (i) The petitioner shall execute his personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the jurisdictional Court.
- (ii) The petitioner shall not indulge in tampering the prosecution witnesses.
- (iii) The petitioner shall appear before the jurisdictional Court on all the future hearing dates, unless exempted by the Court for any genuine cause.
- (iv) The petitioner shall not leave the jurisdiction of the Trial Court without prior permission of the Court till the case registered against him is disposed of.

Sd/-JUDGE