NC: 2025:KHC:2692
CRL.P No. 13217 of 2024

IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO.13217 OF 2024 (439(Cr.PC) / 483(BNSS))

BETWEEN:

SYED JAIN @ JAINULLABUDDIN
S/O SYED AFSAR,
AGED ABOUT 24 YEARS,
RICE MERCHANT,
R/AT NO. 3281 BEHIND MEENA MASJID,
HYDER ALI ROAD, MOHAMMED SAIT BLOCK,
LASHKAR MOHALLA,
MANDYA DISTRICT- 570001.

...PETITIONER

(BY SRI ROOPESHA B., ADVOCATE)

Digitally signed by SHILPA R TENIHALLI
Location: HIGH COURT OF KARNATAKA

AND:

STATE BY NARASIMHARAJA POLICE STATION,
MYSURU DISTRICT-570007.
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU 560001

...RESPONDENT

(BY SRI M.R. PATIL, HCGP)

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C PRAYING TO ENLARGE HIM ON BAIL IN S.C.NO.169/2023 PENDING BEFORE THE HONBLE VII

ADDITIONAL SESSIONS JUDGE, MYSURU WHICH WAS REGISTERED BY THE NARASIMHARAJA POLICE STATION FOR THE OFFENCE ALLEGED AGAINST HIM UNDER SECTION 364, 302, 201 R/W SEC.34 OF IPC IN CRIME NO.26/2023.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.1 in S.C.No.169/2023, pending before the Court of VII Additional Sessions Judge, Mysuru, arising out of Crime No.26/2023 registered by Narasimharaja Police Station, Mysuru City, for the offences punishable under Sections 364, 302, 201 read with Section 34 of IPC, is before this Court under Section 439 of Cr.P.C. seeking regular bail.

2. Heard learned counsel for the parties.

3. FIR in Crime No.26/2023 was registered by Narasimharaja Police Station, Mysuru City, against Bruce Lee and another for the offence punishable under Section

363 read with Section 34 of IPC, on the basis of the first information dated 13.02.2023 received from Gulnaz, who is the mother of the deceased Syed Mansoor. In the first information, it is averred that first informant's son Syed Mansoor was running a Kabab shop at Gandhinagar near Jogi Siddaiah park, Mysuru and he had gone out of the house on 12.02.2023 at about 5.00 p.m., but had not returned home. When the first informant tried to contact her son over mobile phone, it was found that his mobile phone was switched off. Thereafter, efforts were made to trace said Syed Mansoor and his car was found parked near the market area of Jogi Siddaiah park. Since accused Nos.1 and 2 had earlier quarreled with Syed Mansoor, the first informant suspected the hand of accused Nos.1 and 2 and it is in this background, she had approached the police and submitted first information, based on which FIR in Crime No.26/2023 was registered. During the course of investigation, the petitioner herein was arrested on 13.02.2023. The investigation in the case is completed and charge sheet has been filed against four accused

persons. The petitioner has been arrayed as accused No.1 in the charge sheet. The bail application filed by the petitioner before the Trial Court in S.C.No.169/2023 was rejected on 20.06.2024. Therefore, he is before this Court.

4. Learned counsel for the petitioner submits that the case of the prosecution is based on circumstantial evidence. The allegations against the petitioner and accused No.4 are similar. Accused No.4 has been granted regular bail by this Court in Criminal Petition No.9743/2023. He submits that petitioner has no other criminal antecedents and accordingly, he prays to allow the petition.

5. Per contra, learned High Court Government Pleader has opposed the petition.

6. As per the charge sheet allegations, accused Nos.1 and 2 had ill-will against deceased Syed Mansoor and on 12.02.2023, near market area of Jogi Siddaiah park, accused No.1 and 2 had abused and assaulted him. Accused No.4, who was present along with accused Nos.1

and 2 had assisted them to pull out Syed Mansoor from his car bearing registration No.KA-03/MR-3316. Thereafter, accused Nos.1 and 2 carried Syed Mansoor to the spot of crime near Canara Bank ATM behind Al-Ansaar Hospital and accused Nos.1 and 4 allegedly kicked him. Accused No.2 dropped a stone on the head of Syed Mansoor and murdered him. After the murder was committed, accused Nos.1 and 2 with the help of accused No.3 had shifted the dead body and thrown the same into a canal. The allegation against accused Nos.1 and 4 in the charge sheet is similar. Accused No.4 has been granted regular bail by this Court in Criminal Petition No.9743/2023.

7. Under such circumstances, I am of the view that petitioner's prayer for grant of regular bail is required to be answered affirmatively. Accordingly, following order is passed:

ORDER

The petition is allowed.

The petitioner/accused No.1 is directed to be enlarged on bail in S.C.No.169/2023, pending before the Court of VII Additional Sessions Judge, Mysuru, arising out of Crime No.26/2023 registered by Narasimharaja Police Station, Mysuru City, for the offences punishable under Sections 364, 302, 201 read with Section 34 of IPC, subject to the following conditions:

a) Petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) Petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) Petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Petitioner shall not involve in similar offences in future;

e) Petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SRT
List No.: 19 Sl No.: 9
CT:PK