

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23rd DAY OF OCTOBER, 2019

BEFORE

THE HON'BLE MR. JUSTICE K.N.PHANEENDRA

CRIMINAL PETITION No.7001/2019

BETWEEN:

Noushad Ahmed S/o Adam K.H., Aged about 42 years,
R/at No.41, Bab lane, Dargha Mohalla, Vijnapura,
Bangalore-560016. ...Petitioner

(By Sri.Anees Ali Khan, Advocate)

AND:

State by Cantonment
Railway Nagar Police
Station,
Bangalore-560051.

Represented by The State Public Prosecutor, High Court of
Karnataka, High Court Building, Bengaluru-560001. ...
Respondent

(By Sri.Rohith B.J., HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.60/2019 of Cantonment Railway Nagar Police Station, Bengaluru for the offence punishable under Section 306 of IPC.

This Criminal Petition coming on for Orders, this day, the Court made the following:

O R D E R

Heard the learned counsel for the petitioner and the learned HCGP for the respondent-State. Perused the records.

2. The petitioner is arraigned as accused No.3 in Cr.No.60/2019 of Cantonment Railway Police Station, Bengaluru for the offence punishable under Section 306 of IPC.

3. Brief facts of the case are that the dead body of the father of the complainant was found near Byappanahalli railway bridge. On examination of the dead body, the complainant and the police found a piece of

paper of a note book in which the deceased had stated that the petitioner and the others were responsible for his death. It is also stated in the complaint that some persons by name Akbar, Sathish, Chitt Kumar, Adil, Vijay Seva, Anjanappa were all due in a total sum of Rs.14,00,000/- to the deceased. It is also stated that the deceased was indebted huge money during his life time for the purpose of doing the grill work in apartments. On the above said allegations, the police have registered a case for the offence punishable under Section 306 of IPC.

4. Even considering the said death note of the deceased, the reason for implicating the accused persons by the police is not stated. Mere allegations in the death note that the petitioner and others are responsible for his death, would not be sufficient to come to the conclusion that the petitioner has committed the said offence, unless the overt acts and conduct of accused are stated, in order to prove the case of the prosecution and that is sufficient

to drive the person to commit suicide. The allegation is too vague at this stage. Further, accused Nos.1 and 2 have already approached this Court for grant of anticipatory bail in CrI.P.No.5159/2019 dated 27.06.2019 and they have been enlarged on bail on conditions. Therefore, on the ground of parity this petitioner is entitled to be enlarged on bail. Hence, the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with Crime No.60/2019 of Cantonment Police Station, Bengaluru subject to the following conditions:-

- i) The petitioner (A3) shall surrender himself before the Investigating Officer within Ten days from the date of receipt of a certified copy of this order and shall execute personal bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with

one surety for the like-sum to the satisfaction of the concerned Investigating Officer.

- ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation, and he shall appear before the Investigating Officer as and when called for.
- iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior permission, till the charge sheet is filed or for a period of three months whichever is earlier.
- v) The petitioner shall mark his attendance once in a week i.e., on every Sunday between 10.00 am and 5.00 pm., before the Investigating Officer for a period of two months or till the charge sheet is filed, whichever is earlier.

Sd/-
JUDGE

JS/-