

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

**CRIMINAL PETITION No.5740 OF 2022**

**BETWEEN:**

SRI SANDEEP REDDY

...PETITIONER

(BY SRI ISMAIL MUNEEB MUSBA, ADVOCATE)

**AND**

STATE OF KARNATAKA  
REPRESENTED BY MANCHENAHALLI POLICE  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
HIGH COURT OF KARNATAKA  
BANGALORE-560001.

...RESPONDENT

(BY SRI H S SHANKAR, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.108/2019 (C.C.NO.316/2019) OF MANCHENAHALLI P.S., CHICKABALLAPURA DISTRICT FOR THE OFFENCES P/U/S 395 OF IPC ON THE FILE OF THE PRL. CIVIL JUDGE (SR.DN) AND CJM, GOWRIBIDANUR.

THIS PETITION COMING ON FOR ORDERS, THIS DAY THE COURT MADE THE FOLLOWING:

**ORDER**

Heard Sri Ismail Muneeb Musba, learned counsel appearing for the petitioner and learned High Court Government Pleader appearing for the respondent-State.

2. Statement of Objections filed by learned High Court Government Pleader is taken on record.

3. At the cut set, learned counsel appearing for the petitioner submits that the present petitioner is charged for the offence punishable under Section 395 of IPC and the co-accused have been granted bail.

4. Therefore, on the ground of parity, the present petitioner is also to be granted bail.

5. Learned High Court Government Pleader, however, opposed the bail petition and submits that there is one more case pending against the petitioner-accused. Mere pendency of one more case against the petitioner-accused

itself cannot be treated as a criminal antecedent so as to deny bail to the petitioner-accused by resorting to the special powers conferred to this Court under Section 439 of Cr.P.C.

6. Further, the petitioner is granted bail in the pending case where the trial is under progress and there is no complaint of mis-use of the bail conditions by the petitioner-accused.

7. Taking note of the fact that the apprehension of the prosecution can be safeguarded by imposing suitable and stringent and conditions, the following order;

**ORDER**

- i) The criminal petition is allowed.
- ii) The petitioner-accused shall be enlarged on bail on executing a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the Trial Court.

- iii) The petitioner shall mark his attendance on every third Sunday of every month before the Manchenahalli Police Station, till the trial is concluded.
- iv) The petitioner shall not tamper with the prosecution witnesses directly or indirectly.
- v) The petitioner shall not leave the jurisdiction of Bengaluru Rural District without prior permission.
- vi) Violation of any one of the conditions would entitle the prosecution to seek for cancellation of bail.

**Sd/-  
JUDGE**

mv