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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7th DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE B.A.PATIL

CRIMINAL PETITION No.7241/2020

BETWEEN:

1. Safwan

2. Hameed

3. Iqbal Hussan

...Petitioners

(By Sri Dhananjay Kumar, Advocate)

AND:

State of Karnataka
by Moodabidre Police Station,
Represented by State Public Prosecutor
High Court of Karnataka
Bengaluru-560 001.

...Respondent

(By Sri Mahesh Shetty, HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C praying to enlarge the petitioners on bail in the event of their arrest in Crime No.213/2020 of Moodabidre Police Station, Mangaluru City, for the offences punishable under Sections 353, 307, 279 and 379 r/w Section 34 of IPC and Sections 4, 8, 9 and 11 of Karnataka Prevention of Cow Slaughter and Cattle Prevention Act and Section 11(1)(d) of Prevention of Cruelty to Animals Act.

This Criminal Petition coming on for Orders '**through Video Conference**', this day, the Court made the following:-

ORDER

The present petition has been filed by the petitioners-accused Nos.2 to 4 under Section 438 of Cr.P.C. to release them on anticipatory bail in the event of their arrest in Crime No.213/2020 of Moodabidre Police Station for the offences punishable under Sections 353, 307, 279, 379 r/w Section 34 of Indian Penal Code and Sections 4, 8, 9,

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11 of Karnataka Prevention of Cow Slaughter and Cattle Prevention At, 1964 and Section 11(1)(D) of Prevention of Cruelty to Animals At, 1960.

2. I have heard the learned counsel Sri.Dhananjay Kumar for the petitioners-accused Nos.2 to 4 virtually and the learned High Court Government Pleader Sri.Mahesh Shetty for the respondent-State.

3. The case of the prosecution in brief is that on 11.10.2020 when police were on duty they received a credible information that illegally cows were going to be transported in a car and at about 4.55 a.m. they went to Koppadattu village and they noticed a car coming rashly and negligently with great speed and by showing a torch light they tried to stop the said vehicle and they wanted to verify and check the vehicle, but though the police were in uniform, with an intention to commit the murder he tried to run over the officials who tried to stop the car and at that time the said car hit to the police jeep and accused

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Nos.1 and 2 and another person were there in the said car and accused No.1 by showing the Talwar to the complainant with an intention to commit the murder by firing to the wheel of the jeep, escaped in a Omini Car which was following the said car. On the basis of the complaint a case has been registered.

4. It is the submission of the learned counsel for the petitioners-accused Nos.2 to 4 that the petitioners-accused are innocent and they were not present at the time of the alleged incident. It is his further submission that the provision of Section 307 of IPC is not attracted to the petitioners-accused, as the case of the prosecution itself shows that it is accused No.1 who tried to run over on the vehicle of the police officials. It is his further submission that it is highly impossible to keep six cows in a Maruti Omini Car and the said allegation itself falsifies the case of the prosecution. It is his further submission that the alleged offences are not punishable with death or imprisonment for life. No serious overt acts have been

alleged as against the petitioners-accused. They are ready to abide by the conditions that may be imposed by this Court and ready to offer the sureties. On these grounds he prayed to allow the petition and to release the petitioners-accused Nos.2 to 4 on anticipatory bail.

5. It is the submission of the learned High Court Government Pleader that the petitioners-accused Nos.2 to 4 along with accused No.1 have involved in a serious offence. They have tried to run-over the vehicle on the police who were on duty and have also fired and they have escaped in a Omini Car. But as could be seen from the records produced no serious allegations have been made as against the petitioners-accused Nos.2 to 4. Whatever the allegations which have been made are as against accused No.1, it is he, who was holding machchu and showing the same to the police officials who were on duty and also fired towards wheels of the police jeep.

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6. Taking into consideration the above facts and circumstances of the case, I am of the considered opinion that if by imposing some stringent conditions, if the petitioners-accused Nos.2 to 4 are ordered to be released on anticipatory bail, it is going to meet the ends of justice.

7. In that light, this petition is **allowed**. The petitioners-accused Nos.2 to 4 are ordered to be released on anticipatory bail in the event of their arrest in Crime No.213/2020 of Moodabidre Police Station for the offences punishable under Sections 353, 307, 279, 379 r/w Section 34 of Indian Penal Code and Sections 4, 8, 9, 11 of Karnaaka Prevention of Cow Slaughter and Cattle Prevention At, 1964 and Section 11(1)(D) of Prevention of Cruelty to Animals At, 1960, subject to the following conditions:

- i. Each of the petitioners shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties for the likesum to the satisfaction of the Investigating Officer.

- ii. They shall surrender before the Investigating Officer within 20 days from today, failing which this order automatically stands cancelled.
- iii. They shall not tamper with the prosecution witnesses directly or indirectly.
- iv. They shall appear before the Investigating Officer as and when required and co-operate for investigation.
- v. They shall regularly attend the trial unless exempted by the trial Court for genuine reason.
- vi. They shall mark their attendance before the Investigating Officer once in 15 days in between 10.00 a.m. and 5.00 p.m. till the charge sheet is filed.
- vii. They shall not leave the jurisdiction of the Court without prior permission.
- viii. If they violate any one of the above conditions, the anticipatory bail is liable to be cancelled.

*AP/-

**Sd/-
JUDGE**