

Abdul Razak Vs. State of Karnataka

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Court : Karnataka

Decided On : May-03-2011

Judge : Jawad Rahim, J.

Acts : Indian Penal Code (IPC) - Section 399 and 402

Appeal No. : CRIMINAL PETITION NO.2500/2011

Appellant : Abdul Razak

Respondent : State of Karnataka

Advocate for Def. : SRI. S. RAJASUBRAMANYA BHAT, HCGP

Advocate for Pet/Ap. : Sri.Rahul Pai.K, Adv

Judgement :

ORDER

1. Petitioner is accused No.2 in judicial custody auring investigation in Cr.No.53/11 for offences punishable under Sections 399 and 402 of IPC.

2. Heard.

3. On a suo-motto complaint of the police officer, a case came to be registered on the allegation that on 24.03.2011 at about 10.30 p.m., five persons were waiting in the car bearing No.KA-05 P 5394 armed with deadly weapons at a place called

Myra at Kepu village, Bantwal taluk. Their intention was to commit dacoity. The officials of Vitla police station apprehended them and seized several objects from their possession. From the petitioner, a stick is recovered. They are alleged to be armed to commit dacoity. This is the charge.

4. Learned Counsel for the petitioner points out to the face that recovery from the petitioner is only a stick. Abdul Razak and one more person Abubackar are said to be in the car. In all five are said to be involved, but the police have apprehended only three persons, while two escaped.

5. I am inclined to accept the contention of the learned Counsel that there is possibility of the police officers reacting to the legal action initiated on behalf of the first accused Abubacker in W.P.No.55/2011 to implicate him and the petitioner. This Court issued the writ of Habeas Corpus for his release from illegal custody and soon thereafter, this case was registered. I do not wish to comment on the other circumstances but from what is manifest, I do not find the prosecution case is so strong as to deny the liberty, which the petitioner is entitled to.

6. Hence, I pass the following order:-Petition is allowed and bail is granted to the petitioner, subject to the following conditions:-

(i) Petitioner shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the likesum to the satisfaction of the learned jurisdictional Magistrate or the learned trial Judge if the case is committed.

He shall not tamper or indulge or prevail upon the prosecution witnesses.

He shall not leave the place without prior permission from the jurisdictional Magistrate.

He shall mark his attendance before the S.H.O., of the concerned police station once in 15 days i.e., on Saturdays between 7 a.m. to 7 p.m. till the commencement of trial.

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