

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 05<sup>TH</sup> DAY OF APRIL, 2013

BEFORE

THE HON'BLE MR. JUSTICE H.N. NAGAMOHAN DAS

CRIMINAL PETITION NO.201/2013

BETWEEN

FUZAIL AHMED SHIEK  
S/O KAMRUL HUSSAIN SHEIK  
AGED ABOUT 26 YEARS  
R/A NO.4, IMAMWADA CHOUK  
MASJID CHAL, GAIBANSHAH DARGA  
MARAYANANAGAR, GHATAKAPURA WEST  
MUMBAI-86

... PETITIONER

(BY SRI : HASHMATH PASHA , ADVOCATE)

AND

STATE OF KARNATAKA  
BY R T NAGAR POLICE STATION  
BANGALORE CITY – 560 032

(REPRESENTED BY LEARNED  
STATE PUBLIC PROSECUTOR)

... RESPONDENT

(BY SRI: RAJA SUBRAMANYA BHAT, HCGP)

THIS CRL.P FILED U/S.439 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.212/12 OF R.T.NAGAR P.S., BANGALORE CITY, WHICH IS REGD., FOR THE OFFENCE P/U/S 120 (B), 395, 397, 307 R/W SEC. 34 AND SEC. 34 OF IPC AND SEC. 3 AND 5 OF ARMS ACT.

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

### ORDER

The respondent-police registered a case in Cr.No.212/2012 on 14.05.2012 for the offences punishable under Section 395 of IPC R/w Sections 25 & 28 of Arms Act, against un-known persons.

2. The respondent-police recorded the statement of the petitioner on 23.05.2012 in Cr.No.232/2012 for the offences punishable under Section 379 of IPC. In the statement recorded on 28.05.2012, there is no reference with regard to the theft of huge cash carried in a motor vehicle to feed the ATM's. When the petitioner was released on bail in Cr.No.232/2012, he was implicated in the present Cr.No.212/2012, on suspicious. In the circumstances, the petitioner is entitled for bail.

3. Accordingly, the following:

ORDER

The petition is hereby allowed. The petitioner is enlarged on bail subject to the following conditions:-

- i) Petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with a local solvent surety for the likesum to the satisfaction of the Trial Court.
- ii) On all hearing dates, the petitioner shall be present before the Trial Court.
- iii) The petitioner shall not, in any manner, tamper with the prosecution witnesses.

Violation of any one of the conditions above will result in cancellation of bail order. Ordered accordingly.

**Sd/-  
JUDGE**

HJ\*