



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO. 4168 OF 2024

BETWEEN:

Ansu @ Ansar Ali
S/o Late G.K Abdul Gafur,
Aged about 34 years,
Working as Driver
R/at Hallada Keri
Gundlupete Town
Chamarajanagara 571111

...Petitioner

(By Sri. S.N.Bhat, Advocate, for
Sri. Prasanna Kumar B., Advocate)

AND:

State by
Gudlupete P S,
Rep by State Public Prosecutor,
High Court Building,
Bengaluru- 560001

...Respondent

(By Sri. Rajat Subramanyam, HCGP)

This Criminal Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner/ accused No.1 on bail in Cr.No.198/2020 of Gundlupete Police Station, Chamarajanagara, S.C.No.112/2023, for the offence p/u/s 120B, 143, 147, 148, 109, 114, 504, 307, 341, 323, 326, 302, 506(B), 212, 149 of IPC, pending before the Court of Principal District and Sessions Judge, at Chamarajanagara.



This Criminal Petition, coming on for orders, this day, order was made therein as under:

CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

ORAL ORDER

This is a petition under section 439 of Cr.P.C filed by accused No.1 in Crime No. 198/2020 registered at Gundlupet police station. Since charge sheet is filed now the case is registered as SC 112/2023 on the file of Principal District and Sessions Judge, Chamarajanagara, for the offences under sections 120B, 143, 147, 148, 109, 114, 504, 307, 341, 323, 324, 326, 302, 506B, 212 and 149 of IPC.

2. Heard Sri S.N.Bhat, learned counsel for the petitioner and Sri Rajat Subramanyam, learned HCGP, for respondent/State.

3. The incident is said to have taken place on 26.5.2020. Three persons namely Idris, Jakaula and Kaiser were killed. The incident is said to have taken place in the background of the circumstances that accused



No.6 was involved in illegal transportation of rice and cow slaughtering. There was a wide publicity in regard to this in television and newspapers. Since accused No.6 suspected that one of the deceased persons namely Jakaula was responsible for the publicity being given, he conspired with other accused to cause the death of three persons.

4. It is submitted by Sri S.N.Bhat that out of 19 accused, 17 accused are already released on bail. The petitioner who is accused No.1 is entitled to bail on the ground of parity as allegations against him are almost same as against other accused who have been admitted to bail.

5. Learned HCGP opposes the petition stating that four eyewitnesses have given statement under section 164 of Cr.P.C taking the name of the petitioner in the commission of crime. That apart blood stained knife was also recovered at his instance and therefore there are materials which indicate the involvement of the petitioner.



6. Learned counsel for the petitioner has produced copies of the orders granting bail to several accused persons. Careful perusal of the charge sheet shows that it was at the instance of accused No.6 the incident appears to have taken place. So far as the petitioner is concerned, he stands on the same footing with that of other accused who have been released on bail. Therefore on the ground of parity he becomes entitled to bail. Hence, I pass the following order: -

- (a) Petition is allowed.
- (b) Petitioner shall be released on bail on obtaining from him a bond for Rs.2,00,000/- and two sureties for the likesum to the satisfaction of the trial court. He is also subjected to the following conditions : -
 - (i) He shall regularly appear before the trial court till conclusion of trial.
 - (ii) He shall not tamper with the evidence and threaten the witnesses.



- (iii) He shall mark his attendance before the jurisdictional police station once in a fortnight, on a Sunday between 9.00 a.m and 12.00 noon till conclusion of trial.
- (iv) He shall not get involved in any criminal case in future.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE