



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. 4462 OF 2024

BETWEEN:

Mohammed Kalilulla @ Saleem
@ Bambay Saleem
S/o Mohammed Kareem
Aged about 50 years,
R/at Kala Mansoor Theater
Thippesandra, Avalahalli,
Thalaghattapura
Bengaluru Rural 560 10

...Petitioner

(By Sri. Lethif B., Advocate)

AND:

The State of Karnataka
By Thalaghattapura Police Station,
Rep By SPP, High Court Building,
Bengaluru 560 001

...Respondent

(By Sri. Rajat Subramanyam, HCGP)

This Criminal Petition is filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Cr.No.81/2020 (S.C.No.148/2020) of Thalaghattapura P.S., Bengaluru, for the offences p/u/s 143, 144, 147, 148, 120B, 341, 302 r/w 149 of IPC and 25 of Indian Arms Act, pending on the file of VIII Additional District and Sessions Judge, Bengaluru Rural District.



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

Heard Sri Lethif B, learned counsel for the petitioner and Sri Rajat Subramanyam, learned HCGP, for respondent/State.

2. This is a successive application for bail by accused No.10 in S.C.148/2020 on the file of VIII Additional District and Sessions Judge, Bengaluru Rural District. Petitioner along with other accused is facing trial for the offences punishable under sections 143, 144, 147, 148, 120B, 341, 302 read with section 149 of IPC. The petitioner's earlier application for bail in Criminal Petition 4431/2022 was dismissed by order dated 29.07.2022.

3. Sri Lethif submits that the petitioner has now approached for bail on a changed circumstance, i.e., after dismissal of Criminal Petition 4431/2022 by this court, the



trial court granted bail to accused Nos. 1 and 3. Even accused Nos. 4, 5, 6, 8 and 9 are also admitted to bail and in this view the petitioner becomes entitled to bail on the ground of parity. Sri Lethif also submits that though the trial commenced on 27.11.2021 so far only two witnesses are examined and there is no progress in the trial.

4. Learned HCGP does not dispute grant of bail to the aforesaid accused, his only submission is that there are six eyewitnesses to the incident and a machete was recovered at the instance of the petitioner. The petitioner has criminal antecedent also.

5. Taking note of the fact that accused Nos. 1, 3, 4, 5, 6, 8 and 9 have been released on bail and there is no progress in the trial, the petitioner can be admitted to bail. The ground of parity can be extended to the petitioner also. 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 in the respondent police station every week, preferably on a Sunday between 9.00 a.m and 12.00 noon till trial is complete.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE