

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY 2020

BEFORE

THE HON'BLE MR. JUSTICE JOHN MICHAEL CUNHA

CRIMINAL PETITION No 2293 OF 2020

BETWEEN

1. VAZEER KHAN
S/O KHALANDER KHAN
AGED ABOUT 66 YEARS
RESIDING AT NO.104
7TH CROSS, 2ND MAIN
ARAFATH NAGAR
J J NAGAR,
BANGALORE
2. KABIR
S/O ALTAF PASHA
AGED ABOUT 20 YEARS
SAJIDA BANU HOUSE
5TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE.
3. IRSHAD AHMED
S/O ZAKRI AHMED
AGED ABOUT 36 YEARS
NO.88, BEHIND SUJATH TALKIES
3RD CROSS
PADARAYANAPURA WEST
BANGALORE.
4. SMT HALSAN @ FARZANA @ DON
S/O FIROZ
AGED ABOUT 25 YEARS
NO.12, 11TH CROSS

PADARAYANAPURA
BANGALORE

5. HARSHAD PASHA
S/O ALTAF PASHA
AGED ABOUT 21 YEARS
SAJIDA BANU HOUSE
5TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE.
6. AMEER AMJAD
S/O MUSTAK
AGED ABOUT 25 YEARS
7TH CROSS
PADARAYANAPURA
BANGALORE
7. AKBAR KHAN
S/O VAZEER KHAN
AGED ABOUT 35 YEARS
7TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
8. SIDDIK PASHA
S/O AKRAM PASHA
AGED ABOUT 20 YEARS
C/O SHATAJA HOUSE
2ND MAIN
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
9. AKRAM PASHA
S/O HASSAN FAYAZ
AGED ABOUT 49 YEARS
C/O SHATAJ HOUSE
2ND MAIN
ARAFATH NAGAR

PADARAYANAPURA WEST
BANGALORE

10. SAIF PASHA
S/O AKRAM PASHA
AGED ABOUT 26 YEARS
C/O SHATAJ HOUSE
2ND MAIN
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
11. HASSAN FAYAZ
S/O AKRAM PASHA
AGED ABOUT 24 YEARS
C/O SHATAJ HOUSE, 2ND MAIN
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
12. IMRAN PASHA
S/O SIRAJ PASHA
AGED ABOUT 34 YEARS
C/O SHATAJ HOUSE
2ND MAIN
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
13. JABIULLA
S/O SYED IBRAHIM
AGED ABOUT 45 YEARS
NO. 27, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
14. MOHAMMED AFSAN
S/O NIZAMUDDIN
AGED ABOUT 22 YEARS
NO.33, 9TH CROSS
ARAFATH NAGAR

PADARAYANAPURA WEST
BANGALORE

15. NAYAZULLA
S/O JABIULLA
AGED ABOUT 50 YEARS
NO.36, 9TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
16. FIROZ
S/O VAZEER AHMED
AGED ABOUT 30 YEARS
NEAR ABUBAKAR MASJID
PADARAYANAPURA
BANGALORE
17. HUSSAIN
S/O IMAM SAAB
AGED 52 YEARS
NEAR MADINA HOTEL
OLD GUDDADAHALLI
BANGALORE
18. IRFAN
S/O NAYAZ ULLA
AGED ABOUT 23 YEARS
NO.16, 11TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
19. JAFAR KHAN
S/O ZAFRULLA KHAN
AGED ABOUT 19 YEARS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
20. SYED NAYEEM
S/O SYED BABA
AGED ABOUT 21 YEARS

13TH A CROSS, GORIPALYA
PADARAYANAPURA
BANGALORE

21. FIROZ
S/O ABDUL RAVOOF
AGED ABOUT 39 YEARS
11TH CROSS, COTTONPET
NEAR DARGHA
BANGALORE
22. AKRAM
S/O CHAND PASHA
AGED ABOUT 31 YEARS
11TH CROSS, OLD GUDDADAHALLI
PADARAYANAPURA
BANGALORE - 560 026
23. SHAIK PARVEEZ
S/O SHAIK PEER
AGED ABOUT 26 YEARS
11TH E CROSS, OLD GUDDADAHALLI
PADARAYANAPURA
BANGALORE-560026
24. RIZWAN PASHA
S/O CHAND PASHA
AGED ABOUT 20 YEARS
11TH CROSS, OLD GUDDADAHALLI
PADARAYANAPURA
BANGALORE
25. ANWAR PASHA
S/O MAHABOOB
AGED ABOUT 28 YEARS
8TH CROSS GORIPALYA
PADARAYANAPURA
BANGALORE
26. RAHIL PASHA
S/O ARIF PASHA
AGED ABOUT 31 YEARS
NO.4, 11TH CROSS

BALA SHETTY BOUNDRY
PADARAYANAPURA
BANGALORE

27. AYAN
S/O ABDUL RAHMAN
AGED ABOUT 18 YEARS
NO.208, 9TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE

28. INAYATH
S/O MUSTAFA
AGED ABOUT 26 YEARS
NEAR SUJATHA TALKIES
OLD GUDDADAHALLI
BANGALORE

29. MUJAHID PASHA
S/O ARIF PASHA
AGED ABOUT 35 YEARS
NO. 5/1, 11TH CROSS
PADARAYANAPURA
BANGALORE

30. NAFEEZ
S/O MUNAWAR
AGED ABOUT 29 YEARS
11TH CROSS,
OLD GUDDADAHALLI
PADARAYANAPURA
BANGALORE

31. SANAULLA
S/O ABBAS
AGED ABOUT 39 YEARS
11TH CROSS,
HOSAHALLI MAIN ROAD
PADARAYANAPURA
BANGALORE

32. AFROZ PASHA
S/O NOORULLA SAB
AGED ABOUT 24 YEARS
11TH CROSS,
HOSAHALLI MAIN ROAD
PADARAYANAPURA
BANGALORE
33. SADIQ
S/O MOHAMMED KHAN
AGED ABOUT 27 YEARS
NO.32, 9TH MAIN
PADARAYANAPURA
BANGALORE
34. SYED SHOIB
S/O SYED SHABBIR
AGED ABOUT 21 YEARS
NO.4/1, 7TH CROSS
VINAYAKA NAGAR
GUDDADAHALLI
BANGALORE
35. SANAULLA
S/O SAMIULLA
AGED ABOUT 36 YEARS
NO.1/1, 7TH CROSS
VINAYAKA NAGAR
BANGALORE
36. HABIB PASHA @ ABIB PASHA
S/O AMANULLA
AGED ABOUT 25 YEARS
NO.27, 11TH CROSS
PADARAYANAPURA
BANGALORE
37. IMRAN
S/O AMANULLA
AGED ABOUT 34 YEARS
11TH CROSS
PADARAYANAPURA
BANGALORE

38. JAFAR SADIQ
S/O SHAIK NASIR
AGED ABOUT 20 YEARS
NO.2, 7TH B CROSS
OLD GUDDADAHALLI
BANGALORE
39. HAFIZ KHAN
S/O ABDUL SATTAR KHAN
AGED ABOUT 36 YEARS
NO.28, 11TH CROSS
PADARAYANAPURA
BANGALORE
40. MUNNA SHAIK
S/O MUJA SHAIK
AGED ABOUT 28 YEARS
NO.1/1, 7TH CROSS
VINAYAKA NAGAR
BANGALORE
41. MOHSIN KHAN
S/O AMANULLA
AGED ABOUT 28 YEARS
NO.14/2, 11TH E CROSS
OLD GUDDADAHALLI
BANGALORE
42. JAVID
S/O SHAIK SAHAUDDIN
AGED ABOUT 38 YEARS
NO.2, 7TH B CROSS
OLD GUDDADAHALLI
BANGALORE
43. SYED @ SYED AFROZ
S/O SYED PASHA,
AGED ABOUT 33 YEARS
NO.43, 11TH E CROSS
PADARAYANAPURA
BANGALORE

44. AKRAM KHAN
S/O AMANULLA
AGED ABOUT 34 YEARS
NO.8/3, 11TH E CROSS
PADARAYANAPURA
BANGALORE
45. AJAZ
S/O ZIAULLA
AGED ABOUT 29 YEARS
NO.5, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
46. SYED BABA
S/O SYED AMEER
AGED ABOUT 50 YEARS
C/O ILLYAZ HOUSE
7TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
47. MANSOOR PASHA
S/O AMEER PASHA
AGED ABOUT 22 YEARS
NO.26, 11TH B CROSS
OLD GUDDADAHALLI
BANGALORE
48. IRFAN
S/O NAYAZULLA
AGED ABOUT 19 YEARS
NO.16, 11TH CROSS
ARAFATH NAGAR
PADARAYANAPURA WEST
BANGALORE
49. SYED SHABBIR
S/O SYED AZEEZ
AGED ABOUT 49 YEARS
NO.4/1, 7TH CROSS

VINAYAKA NAGAR
OLD GUDDADAHALLI
BANGALORE

50. MOHAMMED SHABAZ
S/O UBAID UR RAHMAN
AGED ABOUT 30 YEARS
NO.34, 9TH CROSS
PADARAYANAPURA
BANGALORE
51. MOHAMMED YASIN
S/O MOHAMMED KHASIM
AGED ABOUT 22 YEARS
NO. 35, 5TH CROSS
OLD GUDDADAHALLI
BANGALORE
52. BABU
S/O BASHEER
AGED ABOUT 58 YEARS
NO. 58/3, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
53. IMRAN
S/O ZAINAB PASHA
AGED ABOUT 32 YEARS
NO. 59/3, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
54. IMRAN BAIG
S/O SALEEM BAIG
AGED ABOUT 29 YEARS
NO.26, 9TH CROSS
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE

55. MOHAMMED USMAN KHAN
S/O MOHAMMED ANWAR KHAN
AGED ABOUT 36 YEARS
NO. 20, 5TH CROSS
PADARAYANAPURA
BANGALORE
56. ARIF
S/O SYED BASHIR
AGED ABOUT 38 YEARS
6TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
57. IMTIYAZ KHAN
S/O HUSSAIN KHAN
AGED ABOUT 48 YEARS
NO.32, 11TH MAIN, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
58. WASIM KHAN
S/O ASHWAK KHAN
AGED ABOUT 20 YEARS
NO.11 CROSS, NEAR ABUBAKAR MASJID
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
59. SYED SAMIULLA
S/O SYED ABDULLA
AGED ABOUT 38 YEARS
NO.4, NEW NO.10, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
60. SADIQULLA SHARIEFF
S/O SAMIULLA SHARIEFF
AGED ABOUT 29 YEARS
NO.53, 10TH CROSS, ARAFATH NAGAR

PADARAYANAPURA
BANGALORE

61. NAWAZ PASHA
S/O SHAIK MUKTIYAR
AGED ABOUT 27 YEARS
NO.37, 10TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
62. MOHAMMED SHARIEFF
S/O SABULAL
AGED ABOUT 52 YEARS
NO.18, 10TH CROSS
PADARAYANAPURA
BANGALORE
63. IRFAN PASHA
S/O SHAIK MUKTIYAR
AGED ABOUT 28 YEARS
NO.38/2 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
64. IRFAN PASHA
S/O MOHAMMED PEER
AGED ABOUT 36 YEARS
NO.27, 5TH CROSS
PADARAYANAPURA
BANGALORE
65. KHALEEL AHMED
S/O NAZEER AHMED
AGED ABOUT 39 YEARS
NO.16, 10TH CROSS
PADARAYANAPURA
BANGALORE
66. MOHAMMED SUHAIL
S/O SHAIK ZABIULLA
AGED ABOUT 22 YEARS
NO.22 10TH CROSS

PADARAYANAPURA
BANGALORE

67. SALMAN KHAN
S/O MOHAMMED KHAN
AGED ABOUT 30 YEARS
NO.36, 11TH E CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
68. ASGAR KHAN
S/O NAWAB KHAN
AGED ABOUT 35 YEARS
NO.33, 10TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
69. SYED NASRU
S/O SYED NAZEER
AGED ABOUT 21 YEARS
NO.46, 10TH CROSS
PADARAYANAPURA
BANGALORE
70. TOUSHIF PASHA
S/O PATTEDARI PASHA
AGED ABOUT 31 YEARS
NO.12TH CROSS
PADARAYANAPURA
BANGALORE
71. KHADEER AHMED
S/O KAREEM SHARIEFF
AGED ABOUT 20 YEARS
NO.10TH CROSS
PADARAYANAPURA
BANGALORE
72. AFROZ
S/O PYAARE JAN
AGED ABOUT 25 YEARS
11TH CROSS

PADARAYANAPURA
BANGALORE

73. NAYAZ KHAN
S/O AMJAD KHAN
AGED ABOUT 33 YEARS
NO.46, 10TH CROSS
PADARAYANAPURA
BANGALORE
74. SALEEM PASHA
S/O ANEES AHMED
AGED ABOUT 47 YEARS
NO.27, 5TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
75. NADEEM KHAN
S/O BABU KHAN
AGED ABOUT 25 YEARS
8TH CROSS
PADARAYANAPURA
BANGALORE
76. RIYAZ PASHA
S/O SYED MUSTAFA
AGED ABOUT 43 YEARS
NO.22/17, 11TH A CROSS
PADARAYANAPURA
BANGALORE
77. MUJAHID PASHA
S/O ISMAIL SABIULLA
AGED ABOUT 32 YEARS
NO.40, 8TH CROSS
ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
78. YUSUF KHAN
S/O HUSSAIN KHAN
AGED ABOUT 43 YEARS
NO.47, 11TH MAIN, 10TH CROSS

PADARAYANAPURA
BANGALORE

79. MOHIN KHAN
S/O RIYAZ KHAN
AGED ABOUT 23 YEARS
NO.33, 8TH CROSS
PADARAYANAPURA
BANGALORE
80. IMRAN KHAN
S/O AMIR KHAN
AGED ABOUT 35 YEARS
5TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
81. ZAHIR KHAN
S/O AHMED ALI KHAN
AGED ABOUT 29 YEARS
NO 48, 8TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
82. FAIROZ KHAN
S/O ANSAR KHAN
AGED ABOUT 24 YEARS
NO 80, 11TH B CROSS
PADARAYANAPURA
BANGALORE
83. SYED AKRAM
S/O SYED HAFIZ
AGED ABOUT 32 YEARS
NO 286, 3RD CROSS, TIPPU NAGAR
CHAMARAJPET
BANGALORE - 560018
84. NAWAZ PASHA
S/O ABDUL HAQ
AGED ABOUT 25 YEARS
NO 160, 3RD CROSS, TIPPU NAGAR

CHAMARAJPET
BANGALORE

85. SADDAM
S/O MOHAMMED ZABI
AGED ABOUT 19 YEARS
8TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
86. IMRAN KHAN
S/O AMJAD KHAN
AGED ABOUT 27 YEARS
NO 36, 10TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
87. MOHAMMED MUDASIR
S/O ZAMEER AHMED
AGED ABOUT 22 YEARS
NO 7, 9TH CROSS, GORIPALYA
BANGALORE
88. MUBARAK
S/O ISMAIL ZABIULLA
AGED ABOUT 38 YEARS
8TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
89. MOHAMMED NADEEM
S/O MOHAMMED RAFEEQ
AGED ABOUT 25 YEARS
NO 62, 1ST MAIN, 4TH CROSS
VALMIKI NAGAR, MYSORE ROAD
BANGALORE
90. SHAIK TABREZ PASHA
S/O ABDUL AZEER
AGED ABOUT 26 YEARS
NO 43, 11TH D CROSS
PADARAYANAPURA
BANGALORE

91. YAKATH KHAN
S/O NOORULLA KHAN
AGED ABOUT 34 YEARS
NO.5, 10TH CROSS, HOSAHALLI MAIN ROAD
PADARAYANAPURA, BANGALORE
92. INAYATH ULLA
S/O AMEER JAN
AGED 50 YEARS
NO.42, 13TH A CROSS
HOSAHALLI MAIN ROAD
PADARAYANAPURA, BANGALORE
93. MAZHAR KHAN
S/O ASHAM KHAN
AGED 50 YEARS
NO.58, 13TH A CROSS
HOSAHALLI MAIN ROAD
PADARAYANAPURA, BANGALORE
94. SUHAIL PASHA
S/O RIYAZ PASHA
AGED 22 YEARS
NO.2/4, HOSAHALLI MAIN ROAD
PADARAYANAPURA, BANGALORE
95. RIYAZ KHAN
S/O ALLAH BAKASH
AGED 20 YEARS
NO.53, HOSAHALLI MAIN ROAD
PADARAYANAPURA, BANGALORE
96. SUHAIL PASHA
S/O RIYAZ PASHA
AGED 24 YEARS
NO.2/4, 13TH A CROSS
HOSAHALLI MAIN ROAD
PADARAYANAPURA, BANGALORE
97. IRFANULLA
S/O NOORULLA
AGED ABOUT 32 YEARS

NO.68, 11TH E CROSS
PADARAYANAPURA, BANGALORE

98. HAFEEZULLA KHAN
AGED 34 YEARS
S/O LATE NOORULLA KHAN
R/AT NO.5/1, 10TH CROSS
PADARAYANPURA, BANGALORE
99. FAYAS PASHA
AGED ABOUT 40 YEARS
S/O MAIDEEN SHARIEF
R/AT NO.45, 5TH CROSS
ARAFATH NAGAR
HELLIGUDDAHALLI, BANGALORE
100. IMARAN PASHA
AGED ABOUT 28 YEARS
S/O AMJAD
R/AT ARAFATH MASJID ROAD, 5TH CROSS
PADARAYANAPURA, BANGALORE
101. SYED ABRAR
AGED ABOUT 21 YEARS
S/O SYED SADIQ
R/AT NO.17, 8TH CROSS
PADARAYANAPURA
BANGALORE
102. TAJ PASHA
S/O LATE ALABAKHASH
AGED ABOUT 45 YEARS
R/AT NO.48
11TH A CROSS, PADARAYANAPURA
BANGALORE
103. TAJUDDIN
S/O LATE NAZEMUDDIN
AGED ABOUT 24 YEARS
R/AT NO.2/3
16TH A CROSS, HALEGUDDADAHALLI
BANGALORE

104. SADIQ PASHA
S/O LATE AFZAL PASHA
AGED ABOUT 21 YEARS
R/AT NO.18, 13TH A CROSS
HOSAHALLI MAIN ROAD, PADARAYANAPURA
BANGALORE
105. NASRULLA KHAN
S/O INAYATHULLA
AGED ABOUT 25 YEARS
R/AT NO.10, 11TH B CROSS
PADRAYANAPURA, BANGALORE
106. SULEMAN KHAN
S/O LATE ANWAR KHAN
AGED ABOUT 35 YEARS
R/AT NO.30 5TH CROSS
PADRAYANAPURA, BANGALORE
107. RIZWAN PASHA
S/O MOHAMMED PEER
AGED ABOUT 30 YEARS
R/AT NO.27
5TH CROSS PADRAYANAPUA, BANGALORE
108. AFROZ
S/O RAFIQ
AGED ABOUT 19 YEARS
R/AT ABUBAKAR MASJID ROAD
ARAFATHNAGAR, HALEGUDDAHALLI
MYSORE ROAD, BANGALORE
109. MUBARAK PASHA
S/O IMTHIYAZ PASHA
AGED ABOUT 27 YEARS
R/AT ARAFATH MASJID ROAD
6TH CROSS, PADRAYANAPURA
BANGALORE
110. NADEEM KHAN
S/O LATE ABDUL REHMAN
AGED ABOUT 25 YEARS

R/AT NEAR ARAFATH MASJID
7TH CROSS, PADRAYANAPURA
BANGALORE

111. SULTAN KHAN
S/O SAIFULLA KHAN
AGED 19 YEARS
NO.1, 9TH CROSS
PADARAYANAPURA
BANGALORE
112. MOHAMMED ZABI
S/O BASHEER AHMED
AGED 47 YEARS
NEAR ARAFATH MASJID
ARAFATHNAGAR, 7TH CROSS
PADARAYANAPURA, BANGALORE
113. SUHAIBULLA
S/O LATE RIYAZULLA
AGED 21 YEARS
11TH A CROSS
PADARAYANAPURA, BANGALORE
114. NASEER PASHA
S/O ALLABAKASH
AGED 36 YEARS
NO.48, 11TH A CROSS
PADARAYANAPURA, BANGALORE
115. WASEEM AHMED
S/O LATE NAZEER AHMED
AGED 35 YEARS
NO.9, 10TH CROSS
PADARAYANAPURA, BANGALORE
116. NADEEM KHAN
S/O HASEENULLA KHAN
AGED 22 YEARS
NO.99, 8TH CROSS
PADARAYANAPURA
BANGALORE

117. AMJAD PASHA
S/O BABU
AGED 38 YEARS
6TH CROSS, ARAFATH NAGAR
PADARAYANAPURA, BANGALORE
118. MOHAMMED FAROOQ
S/O MOHAMMED ISAAQ
AGED 34 YEARS
R/AT 5TH CROSS, ARAFATH NAGAR
PADARAYANAPURA, BANGALORE
119. SYED SADIQ
S/O SHED KHALEEL
AGED 25 YEARS
R/AT 5TH CROSS, ARAFATH NAGAR
PADARAYANAPURA
BANGALORE
120. MUBARAK PASHA
S/O ANWAR PASHA
AGED 38 YEARS
R/AT NO.19, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA, BANGALORE
121. SYED ISMAIL ZABIULLA
S/O SYED SARDAR
AGED 28 YEARS
NO 33, 10TH CROSS
ARAFATH NAGAR
BANGALORE
122. SYED SADIQ
S/O SYED SARDAR
AGED 24 YEARS
NO.33, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA, BANGALORE
123. MAHBOOB PASHA
S/O SHAIKH AHMED
AGED 40 YEARS

4TH CROSS, HALEGUDDADAHALLI
BANGALORE

124. NASRULLA
S/O IBRAHIM
AGED 40 YEARS
NO.38, 10TH CROSS
ARAFATH NAGAR
PADARAYANAPURA, BANGALORE.

125. SUBHAN KHAN
S/O ANWAR KHAN
AGED ABOUT 41 YEARS,
NO.20, 7TH MAIN, 5TH CROSS
ARAFATH NAGAR
PADARAYANAPURA, BANGALORE

126 . SAIFULLA KHAN
S/O NABI KHAN
AGED 41 YEARS
R/AT NO.1, 9TH CROSS
PADARAYANAPURA, BANGALORE

...PETITIONERS

(BY SRI: C.V.NAGESH, SENIOR COUNSEL FOR
SRI.MUIZ AHMED KHAN USMANI, ADVOCATE AND
SRI: S. ISMAIL ZABIULLA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY J.J.NAGAR POLICE STATION
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE-560001

RESPONDENT

(BY SRI: V.M. SHEELAVANT, SPP-I
A/W SMT. NAMITHA MAHESH B.G., HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 CR.PC PRAYING TO
ENLARGE THE PETITIONERS ON BAIL IN CR.NO.71/2020 OF
JAGAJEEVANRAM NAGAR P.S., BANGALORE FOR THE OFFENCES
PUNISHABLE UNDER SECTIONS 3, 4 OF PREVENTION OF
DESTRUCTION AND LOSS OF PROPERTY ACT AND SEC.51(b) OF

DISASTER MANAGEMENT ACT AND SECTIONS 506,147,148,143,149, 324,332,307,269, 323,201,271,353 OF IPC.

THIS CRIMINAL PETITION COMING ON FOR PRONOUNCEMENT OF ORDER, THROUGH VIDEO CONFERENCE, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioners, in all, 126 persons were taken into custody by the respondent - Police on the allegation that, on 19.04.2020, at about 6.30 p.m. and 6.50 p.m., the petitioners/accused persons formed into an unlawful assembly with intention to spread Corona infection and obstructed the medical officers attached to the BBMP from lawfully discharging their official duties and also obstructed the complainant and the police personnel on duty by pelting stones on the police and assaulting them with knife, rods and clubs, making an attempt on the life of the police personnel and during the occurrence, damaged the chairs, tables kept in the check-post and caused extensive damage to the public property.

2. The PSI of JJ Nagar Police Station CW.1 lodged a report based on which Crime No.71/2020 was registered and the

petitioners herein were arrested on different dates and were remanded to judicial custody. The application filed by the petitioners for their release on bail has been rejected by the Closure Period Judge at Bengaluru (Court of Principal City Civil and Sessions Judge at Bengaluru) in C.Crl.Misc.No.41/2020 dated 05.05.2020, mainly on the ground that the facts and allegations made in the FIR reveal that on the date of the incident, all the petitioners were armed with deadly weapons and damaged public property and caused injury to public servants. It has been observed that the accused persons were motivated to commit rioting with a preplan and in the process, assaulted public servants and violated the promulgation notified by the Government. Further observing that the petitioners were required to be identified by the witnesses and that the Investigating Officer had to collect evidence to assess the total damage caused to public property, learned Sessions Judge found it proper to reject the application. On dismissal of the said application, petitioners have approached this Court under section 439 Cr.P.C.

3. I have heard Sri.C.V.Nagesh, learned Senior Counsel appearing for Sri.Muiz Ahmed Khan Usmani, learned counsel, on behalf of petitioners and Sri.V.M.Sheelavant, learned SPP-I on behalf of respondent State.

4. The State has filed statement of objections opposing the bail inter alia contending that prima facie material has been collected establishing the presence of the petitioners at the spot of occurrence. The petitioners were found indulging in similar offences at five different places in respect of which five cases have been registered against the petitioners in Crime Nos.70/2020, 71/2020, 72/2020, 73/2020 and 74/2020. Each incident is a separate offence. During the occurrence, complainant and other witnesses have suffered grievous injuries. The statements of the eyewitnesses also have been recorded. Amongst the petitioners, seven were tested positive for COVID-19 and hence, accused persons were quarantined at Haj Bhavan. Under the said circumstances, if the petitioners are released on bail, they would once again enter the place of incident, which is presently under seal down and there are chances of infection

spreading to the entire locality. Further it is stated that the interim charge sheet has been filed against the petitioners with respect to the offences under sections 3 and 4 of the Prevention of Destruction and Loss of Property Act, 1981 and under sections 143, 147, 148, 307, 201, 353, 333, 323, 324, 506, 269, 271, 188 read with 149 IPC and section 51(b) of the Disaster Management Act. Further investigation is still in progress and permission under section 173(8) of Cr.P.C. is sought before the Trial Court. Further contending that the sovereignty, fraternity and integrity of the country takes precedence over Article 21 of the Constitution, respondent No.1/State has sought for dismissal of the petition.

5. Sri.C.V.Nagesh, learned Senior Counsel appearing for the petitioners however contended that the allegations made against the petitioners are bald in nature. None of the petitioners were named in the FIR. All the petitioners were arrested on suspicion and have been unlawfully detained. The circumstances projected by the prosecution indicate that there was no intention whatsoever on the part of the petitioners to

cause any grievous injury to the petitioners much less an attempt to murder. The wound certificates relied on by the prosecution indicate that the complainant and other witnesses have suffered some abrasions and contusions which do not make out ingredients of section 307 IPC. There is absolutely no material to sustain the charge under section 307 IPC. The other offences alleged against the petitioners are punishable with imprisonment not more than three years. Even if entire material collected by the Investigating Agency is accepted, no overt acts are forthcoming against the petitioners. Under the said circumstances, the custody of the petitioners is not required to be extended any further.

6. On careful consideration of the submissions made at the Bar and on going through the material on record, it is noticed that investigation is completed and charge sheet is already been laid before the jurisdictional court alleging commission of offenses under sections 3 and 4 of the Prevention of Destruction and Loss of Property Act and under sections 143, 147, 148, 307, 201, 353, 333, 323, 324, 506, 269, 271, 188

read with 149 IPC and section 51(b) of the Disaster Management Act. Though it is stated that the application filed by the Investigating Agency under section 173(8) of Cr.P.C. is pending consideration of the Trial Court, yet, having regard to the material collected in the case, I do not find that the custody of the petitioners is required to be extended further for the said purpose. The only contention urged by learned SPP-I in the objection statement opposing release of the petitioners on bail is that 7 of the accused were found positive for COVID-19 and at present 67 positive cases are detected in Ward No.135. These grounds in my view cannot be a factor to deny bail to the petitioners, if they are otherwise entitled thereto.

7. Undeniably, accused Nos.1, 3 to 126 were arrested on 20.04.2020 and accused No.2 was arrested on 27.04.2020. The compulsory period of quarantine is already expired. It is not the case of the prosecution that treatment to the petitioners is being continued. Under the said circumstances, I do not find any substance in the objection raised by the prosecution that on

account of 67 positive cases detected in Ward No.135, petitioners are not entitled to be released on bail.

8. That apart, a perusal of the charge sheet papers reveal that the prosecution has rested its case on the statements of the medical officers attached to the BBMP namely CWs.2, 3 and 4 and an Asha Worker CW.5. The other witnesses cited in the charge sheet are police witnesses and not a single person from general public has been cited as a witness to the alleged occurrence. The statement of the medical officers of BBMP namely CWs.2, 3 and 4 indicate that none of the police personnel were either attacked or assaulted by the mob on the 10th Cross, Arafathnagar in the presence of CW-2 to CW-5. Their statements go to show that when these witnesses had been to 10th Cross, Arafathnagar along with police at about 6.50 p.m. for the purpose of sending 58 residents of 10th Cross, Arafathnagar for quarantine, about 50 to 60 members of the public obstructed them, saying that the suspected persons should be examined at the spot and if the medical officers decide to take them to any other place, they should also take the said 50-60 persons to that

place. This statement may amount to unlawful obstruction caused by the mob consisting of 50 to 60 persons from discharging the official duties by CWs.2 to 4, but these witnesses have nowhere stated in their statements that during the occurrence, either the said mob consisting of 50 to 60 persons or any other members of the unlawful assembly pelted stones at the police or assaulted them. On the other hand, the statement of these witnesses go to show that on account of the obstruction caused by 50 to 60 members of unlawful assembly at the 10th Cross, Arafathnagar, CWs.2 to 4 were taken to the check post. These witnesses have unequivocally stated in their statements that after reaching the check post, they came to know from the police that a mob of 100 to 120 persons had pelted stones on them and had damaged the chairs and tables kept in the check-post and obstructed the police from discharging their duties. These statements therefore are hear-say. CW.5/Asha worker has also given an identical statement. As a result, the prosecution is left with only the statement of the police witnesses. Though these police witnesses have given stereotyped statements stating that members of the unlawful

assembly pelted stones on them and also physically assaulted them causing injuries, reading of the wound certificates reveal that the injured police personnel were treated in private hospital and it is noticed that except in two cases, all other persons had sustained contusions. A perusal of the property form produced along with the charge sheet indicates that in respect of the alleged incident, two broken plastic chairs and two clubs and a stone were seized from the spot of occurrence on 20.04.2020 which goes against the very case of the prosecution that the entire mob was armed with deadly weapons and had assaulted number of police personnel with deadly weapons causing grievous injuries.

9. Eventhough learned SPP-I has strongly opposed the bail contending that identification of the accused is required to be done, but the circumstances of the case indicate that the petitioners were in judicial custody ever since date of their arrest and no steps appear to have been taken by the Investigating Agency to identify the petitioners. It is not known as to how the charge sheet could have been laid against accused persons

without the accused being identified. Needless to say that in a charge under section 143 of IPC and allied offences, identity and participation of each accused is required to be fixed with reasonable certainty. In the present case, a perusal of the case records go to show that without ascertaining the identity of the accused, petitioners are sent up for trial. In any case, having regard to the overall nature of the case and the character of the evidence collected by the prosecution, in my view, prosecution has to go a long way to sustain the charges against the petitioners. Eventhough charge under section 307 of IPC is invoked, I do not find any *prima facie* material in support of the said charge. There is also no material to show extensive damage to the public property as sought to be projected by the prosecution. Therefore, considering all these facts and circumstances, in my view, it would be travesty of justice to extend the custody of the petitioners solely by way of punishment. It is not the case of the respondent that in the event of release of the petitioners, they are likely to flee from justice. The only apprehension expressed by the respondent is that, in the event of release of the petitioners, they are likely to

spread the Virus. This cannot be a ground to deny bail to the petitioner as adequate safeguards are already in place by way of precautionary measures to prevent spread of the pandemic and the petitioners could be put on terms to abide by the guidelines or advisories issued by the State Organs and respective authorities. Therefore, taking into consideration all the aspects of the case, I am of the view that extending the custody of the petitioners in the instant case would be unjust. No compelling circumstances are made out by the prosecution to deny bail to the petitioners. For the reasons discussed above, petitioners deserve to be admitted to bail, subject to conditions. Hence, the following:

ORDER

Petition is **allowed**.

- a) Petitioners are directed to be enlarged on bail on furnishing bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties each for the likesum to the satisfaction of the jurisdictional court.

- b) They shall appear before the court as and when required, unless exempted by specific order in that regard.
- c) They shall not threaten or ailure the prosecution witnesses in whatsoever manner.
- d) They shall not get involved in similar offences.
- e) After execution of the bonds by the respective petitioners and their sureties, before their physical release, petitioners shall be subjected to medical examination and if any of the petitioners are found with symptoms of COVID-19, they shall be dealt with as per the guidelines and advisories issued by the Government of India, Ministry of Home Affairs and Government of Karnataka.
- f) In the event the petitioners disregard or violate any of the directions or guidelines issued by the Department of Health, Government of Karnataka or any of its officers or functionaries relating to COVID-19, and/or violate any of the conditions of this

order, respondent is at liberty to seek for cancellation of the bail of such petitioners/accused by making necessary application to the trial Court.

- g) Petitioners shall not leave the territorial limits of the Trial Court during the pendency of the trial without prior permission of the Trial Court.

**Sd/-
JUDGE**

Bss