



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2023

BEFORE

THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

CRIMINAL PETITION NO. 3585 OF 2023

BETWEEN:

SRI. HYDER ALI @ THAJU,
S/O. MOHAMMED SALEHA,
AGED ABOUT 30 YEARS,
R/AT: BEHIND MAYURA BAKERY,
MALUR ROAD, VARADAPURA,
HOSAKOTE,
BENGALURU RURAL DISTRICT,
BENGALURU - 562 114.

...PETITIONER

(BY SRI. TEJAS N., ADVOCATE)

AND:

STATE OF KARNATAKA BY,
SULIBELE POLICE STATION,
BANGALIRE RURAL DISTRICT - 562 114.

(REPRESENTED BY THE LEARNED
STATE PUBLIC PROSECUTOR,
HCK, BANGALORE - 01)

...RESPONDENT

(BY SRI. RAHUL RAI, HCGP)





THIS CRL.P IS FILED U/S 438 CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO. 70/2022 OF SULIBELE P S., BENGALURU CITY FOR THE OFFENCE P/U/S 429 OF IPC AND SEC.4,5,7,11,12 OF KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT ON THE FILE OF THE PRL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT HOSAKOTE, BENGALURU RURAL DISTRICT AND ETC ,

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

ORDER

This petition is filed by the petitioner/accused No.3 under Section 438 of Cr.P.C. seeking anticipatory bail in Crime No.70/2022, registered by Sulibele Police Station, for the offences punishable under Sections 429 of IPC and under Sections 4, 5, 7, 11 and 12 of Karnataka Prevention of Slaughter and Preservation of Cattle Act 2020, which is pending on the file of Hon'ble Principal Civil Judge (Jr.Dn) and JMFC Court, Hosakote, Bengaluru Rural District.

2. Heard learned Counsel Sri. Tejas N for the petitioner and the learned HCGP for respondent-State.



3. It is the contention of the learned counsel for the petitioner that the petitioner is specially challenged person having 60% disability, running a mutton shop in Hoskote, has been arrayed as an accused on the statement of accused Nos.1 and 2 before the police that they have purchased beef from the petitioner. There is no recovery of beef from the custody of the petitioner, he is ready to abide by any conditions and by imposing any conditions, he may be granted anticipatory bail.

4. *Per-contra*, learned HCGP contended that the petitioner though running the mutton shop, he is also dealing with the beef business and this act requires a proper investigation and his custodial interrogation is necessary and he is not entitled for a anticipatory bail.

5. I have given my anxious consideration to the materials placed before the Court. The allegation is that the accused Nos.1 and 2 were transporting beef in an autorickshaw when they were intercepted by the police. On interrogation they have divulged the name of the



petitioner that he was the person who sold the beef to them.

6. The learned counsel for the petitioner has made available the disability certificate issued by the Medical Board, Bangalore, which explains that the petitioner is suffering from 60% physical disability. The offences alleged are not punishable either with death or imprisonment for life. The petitioner has come forward to assist the investigation. Accused Nos.1 and 2 were already arrested and released on bail by the Trial Court. Hence, sufficient grounds made out for grant of pre-arrest bail to the petitioner by imposing conditions. Accordingly, I pass the following.

ORDER

The petition is **allowed**.

The petitioner is ordered to be enlarged on bail in Crime No. 70/2022 for offences under Sections 429 of IPC and under Sections 4,5,7,11 and 12 of Karnataka Prevention of Slaughter and Preservation of Cattle Act



2020, which is pending on the file of Hon'ble Principal Civil Judge (Jr.Dn) & JMFC Court, Hosakote, Bengaluru Rural District, subject to following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the concerned Police Station/jurisdictional court;
- ii. The petitioner shall not indulge in tampering the prosecution witnesses either directly or indirectly;
- iii. The petitioner shall not repeat such offence.
- iv. The petitioner shall appear before the trial court on all hearing dates unless his appearance is exempted by the said court for valid reasons.

**Sd/-
JUDGE**

VS
List No.: 1 SI No.: 46