

**IN THE COURT OF THE 69TH ADDL. CITY CIVIL &  
SESSIONS JUDGE, BANGALORE (CCH-70)**

Dated this the 16<sup>th</sup> day of August, 2023

PRESENT;           **Sri. Balagopalakrishna,**  
                          XXII Additional City Civil and  
                          Sessions Judge, Bengaluru. (CCH. 7)  
                          I/c of 69<sup>th</sup> Addl. City Civil and Sessions  
                          Judge,  
                          City Civil Court, (CCH 70).

**Crl.Misc.No.7467/2023**

Petitioner:                   Kum Jeeva S  
                                  d/o late Subbarayan,  
                                  aged about 32 years,  
                                  Proprietor of M/s Anika Enterprises  
                                  r/at No. 9, 16<sup>th</sup> cross  
                                  2<sup>nd</sup> stage, Malagala,  
                                  Nagarbhavi, Bangalore 560 091  
                                  (By Sri.A.Ramanjanappa, Advocate)

Respondent :                 -V/S-  
                                  State of Karnataka by  
                                  Siddapura police station,  
                                  Bengaluru.

(Represented by Prosecutor)

**ORDER ON BAIL PETITION FILED  
U/SEC. 438 OF CR.P.C.**

This petition is filed by the petitioner u/sec. 438 of Cr.P.C. praying to grant anticipatory bail to her in the event of her arrest by the respondent police in Cr. No. 56/2023 of Siddapura P.S.for the offence punishable u/sec. 420, 406 r/w 149 of IPC.

2. It is stated in the petition that the respondent police

have registered Cr. No. 56/2023 against the petitioner alleging the offence punishable u/sec. 420, 406 r/w 149 of IPC on the basis of the information given by one Smt. Kala @ Kalavathi. It is further stated in the petition that the petitioner is innocent and she has not committed any offence as alleged by the police. She is falsely implicated with malafide intention. The respondent police are making hectic efforts to arrest the petitioner. The petitioner has got reasonable apprehension of her arrest by the respondent police. The petitioner is the permanent resident of address mentioned in the cause title and she is coming from respectable family and she has no bad antecedents or previously convicted and there is no case pending against her. The petitioner is ready to abide by any of the terms and conditions that may be imposed by the court for his enlargement on bail. The petitioner is ready and willing to offer surety to the satisfaction of the court. Hence prayed to allow the petition.

3. The learned Prosecutor has filed objections to the petition alongwith report by opposing the grant of anticipatory bail to the petitioner on the ground that the offence alleged to have been committed by the are grave in nature and against Society. It is further stated that the petitioner is absconding from the date of registering case. The petitioner made believe nearly 40 womens that they would provide loan from Bovi Development Corporation and collected Aadhar card and other documents from the complainant and others and also obtained cheque and

signature on the blank papers and promised the complainant that they would provide loan facility to her and they have to pay Rs. 25,000/- as commission. It is further stated that on 20.11.2021 the accused has transferred Rs. 25,000/- and made believe the complainant that she was sanctioned only 25,000/-. it is further stated that through phonepe the accused has collected Rs. 2000/-. It is further stated that in the year 2022 some un known persons came to the house of the complainant revealing themselves are the officers of the bank. On inquiry they reveal that 5 lakhs rupees loan was granted to her, but whereas the accused has transferred only 25,000/- rupees to the account of the complainant. It is also stated that the complainant had been to IDBI bank and noticed that without the knowledge of the complainant the accused has opened account No. 0363104000221092 and got transferred 5 lakhs rupees to the said account on 27.10.2021 and even from that account on 9.11.2021 Rs. 5 lakhs has been transferred in the account of New Dreams Enterprises and from there Rs. 25,000/- was transferred to her account. Thus Rs. 4,75,000/- has been mis used by the petitioner without the knowledge of the complainant. The investigation is in progress, if the petitioner is enlarged on bail she may commit similar offence in future. He is further stated that if the petitioner is enlarged on bail it would be difficult to secure his presence for investigation. With all these grounds amongst others learned PP has prayed to reject the petition filed by the petitioner.

4. Heard the arguments of learned P.P. and also counsel for the petitioner. Perused the petition, objection and other material on record.

5. The following points would arise for my consideration are as under:

1. Whether the petitioner has made out grounds to grant anticipatory bail u/sec. 438 of Cr.P.C.?
2. What order?

6. On the basis of the evidence available on record my finding on the above points are as under:

- i. Point No.1: **In the affirmative.**
- ii. Point No.2: As per final order on the following

### **REASONS**

7. The petitioner has filed present petition praying to grant anticipatory bail to him in Cr. No. 56/2023 of Siddapura police for the offences punishable u/sec. 420, 406 r/w 149 of IPC. The said crime was registered by the police on the basis of the information given by Smt. Kala. The petitioner has produced the certified copy of the FIR, complaint and other documents. As per the FIR it is alleged that the accused made believe nearly 40 womens that they would provide loan from Bovi Development Corporation and collected Aadhar card and other documents from the complainant and others and also obtained cheque and signature on the blank papers and promised the complainant that they would provide loan facility to her and they have to pay Rs. 25,000/- as

commission. It is further stated that on 20.11.2021 the accused has transferred Rs. 25,000/- and made believe the complainant that she was sanctioned only 25,000/-. it is further stated that through phonepe the accused has collected Rs. 2000/-. It is further stated that in the year 2022 some un known persons came to the house of the complainant revealing themselves are the officers of the bank. On inquiry they reveal that 5 lakhs rupees loan was granted to her, but whereas the accused has transferred only 25,000/- rupees to the account of the complainant. It is also stated that the complainant had been to IDBI bank and noticed that without the knowledge of the complainant the accused has opened account No. 0363104000221092 and got transferred 5 lakhs rupees to the said account on 27.10.2021 and even from that account on 9.11.2021 Rs. 5 lakhs has been transferred in the account of New Dreams Enterprises and from there Rs. 25,000/- was transferred to her account. Thus Rs. 4,75,000/- has been mis used by the petitioner without the knowledge of the complainant.

8. Since the FIR is registered against the petitioner by alleging the commission of non bailable offence and since the complaint is filed against them by alleging the commission of non bailable offence, the petitioner has filed the present petition apprehending her arrest by the respondent police. It is the apprehension of the petitioner that the respondent police after registering the case against her are making hectic efforts to arrest her and she got apprehension of arrest since the respondent police have

registered the FIR by alleging the non bailable offence, there is possibility of arrest of the petitioner by the respondent police during the course of investigation. The offences alleged against the petitioner is not exclusively punishable with death or imprisonment for life. The alleged offences are triable by the learned Magistrate. The contents of the FIR has to be adjudicated only after full fledged trial. Custodial interrogation of the petitioner is not required for further investigation of the alleged offence because the sole case of the complainant is depending on the documentary evidence. Further petitioner is residing within the jurisdiction of the Magistrate. The petitioner is also ready to abide by terms and conditions imposed by the court for his enlargement on bail. The petitioner is ready to furnish surety to the satisfaction of the court for his appearance before the I.O. she is also ready to cooperate with the investigation of the case. As such there is no chance of the petitioner absconding or fleeing away from justice. The presence of the petitioner during investigation of the case can be secured by imposing suitable terms and conditions. The apprehension of the learned PP or IO can be met out by imposing some conditions. Under the above facts and circumstances of the case I am of the opinion that the petition filed by the petitioner is deserves to be allowed and petitioner can be granted anticipatory bail by imposing suitable conditions. Accordingly this Point No.1 is **in the affirmative.**

**9. Point No.2:** By considering the above over all

reasons this court proceed to pass the following;

**ORDER**

Bail petition filed u/sec. 438 of Cr.P.C. by the Petitioner is allowed. In the event of arrest, the respondent police are directed to release the petitioner in connection with case in Cr. No. 56/2023 of respondent police station that registered for the offence punishable u/sec. 406, 420 r/w 149 of IPC on executing personal bond for Rs.1,00,000/- with one surety for the likesum to the satisfaction of the trial court , subject to the following conditions.

1. The petitioner shall appear before the IO within 10 days from the date of receipt of this order.
2. She shall not threaten the Prosecution witnesses directly or indirectly.
- 3.The petitioner shall cooperate for investigation.
4. The petitioner shall not indulge in any other offence.
5. The petitioner shall furnish her correct address proof before the trial court.

(Dictated to the JW, transcript thereof is corrected, signed and then pronounced by me in open court on this the 16<sup>th</sup> day of August, 2023)

(Balagopala Krishna)  
22<sup>nd</sup> Addl. City Civil & Sessions Judge (CCH 7)  
I/c of 69<sup>th</sup> Addl. City Civil and Sessions Judge,  
Bangalore.