

KABC0A0029782023



**IN THE COURT OF THE LVII ADDL. CITY CIVIL AND
SESSIONS JUDGE, AT MAYO HALL, BENGALURU.
(CCH-58)**

Present:

Sri.Gangappa Irappa Patil, B.A., LL.B. (Spl.),
LVII Addl.City Civil & Sessions Judge,
Bengaluru.

Dated this the 5th day of August, 2023.

Crl. Misc. No. 25650/2023

**Petitioner/
Accused:**

Sri. Abraham T.J.,
S/o. Late Sri.Joseph T.A.,
Aged about 63 years,
R/at # 2326, 'Ashirwad',
2nd 'A' Cross, 16th 'B' Main,
HAL 2nd Stage, Indiranagara,
Bengaluru-560 019.

[By Sri.Gopalakrishna, Adv.]

Vs.

Respondent:

State by **Jeevanbheema Nagara Police Station,**
Bengaluru City.

[By Public Prosecutor]

**ORDER ON PETITION U/S. 438 OF Cr.P.C. FILED BY THE
PETITIONER**

The respondent-police registered the case against accused-petitioner in Crime No.213/2023 for the offence punishable U/Sec. 384, 509 r/w. 34 of IPC.

2. The brief facts of the case is that, the complainant Dr.Sudha lodged the complaint against the present petitioner alleging that the present petitioner is giving mental cruelty and disturbing in her duty on demanding the money from her regarding the posting to the said complainant as per her choice. On the basis of the said complaint the Police registered case in Crime No. 213/2023 against petitioners for the offence punishable U/Sec. 384, 509 r/w. 34 of IPC. Petitioner has filed the instant petition apprehending arrest in the said case.

3. The petitioner filed this petition under the apprehension of arrest by the police authority under the following grounds Viz.,

1) The petitioner in this case submits that the false case has been filed against him.

2) Further petitioner submits that he is innocent and he is having the permanent resident of Bangalore, he is from respectable family having deep roots in the society and he is submitting he will not abscond from the jurisdiction of this court and he is not having any criminal antecedents.

3) Further the petitioner submit that he will undertake to abide any condition imposed by this court and co-operative with the investigation officer in this case.

4) The petitioner further submits that the offences alleged against him is non-bailable in nature, which is exclusively triable by Magistrate. The offences alleged against him are not punishable with death or imprisonment for life.

5) The petitioner submits that, he is a senior citizen and is suffering from old age ailments like diabetics, blood pressure, is also heart patient and he require frequent medical treatment.

6) The petitioner further submits that he is well-known and reputed person in the State of Karnataka. The reputation of the petitioner will be tarnished if he is arrested and/or detained on such false, malicious and misleading information. Thus, he prays for granting the anticipatory bail.

4. The learned Public Prosecutor has filed his objections stating that, in this case investigation is not yet completed. The petitioner in this case are absconded. If he released on bail he will tamper the witness of the prosecution and cause hurdle to the proceedings and he will cause hamper to the investigation. Accordingly, prays for rejection of anticipatory bail and prays for rejection of this petition.

5. Arguments heard. Perused the records available before the court.

6. The points that arisen for consideration of this court are:-

1. Whether the petitioner is entitled for bail u/s 438 of Cr.P.C.?
2. What order?

7. The findings of this court to the above points are as under:-

Point No.1: In the Affirmative,

Point No.2: As per final order
for the following:

REASONS

8. **Point No.1**:- On perusal of the petition and grounds made in the petition and objections filed by the prosecution it discloses that the offences alleged by the complainant are not punishable with death or imprisonment for life and triable by Magistrate.

9. Having regard to the allegations made by the complainant the Court is of the opinion that the offences alleged against him which are not serious nature. The petitioner is ready to abide any conditions that may be imposed by this court.

10. Since the denial of bail amounts to deprivation of personal liberty, in view of the guidelines and principles laid down by Hon'ble Apex Court in landmark Judgment in Gurubhaksh Singh's case this Court is of the opinion that anticipatory bail can be granted in favour of petitioner by imposing conditions to safeguard apprehension raised by the learned public prosecutor. In view of the above said reasons this court answers this point in the **Affirmative**.

11. **Point No.2**:- On the above findings, this court proceeds to pass the following:

ORDER

The petition filed by the petitioner **Sri.Abrahim T.J** u/S. 438 of the Cr.P.C. is hereby allowed with respect to Crime No.213/2023 registered by Jeevanbheema Nagara

Police for the offence punishable U/Sec. 384, 509 r/w. 34 of IPC with following conditions:-

1) The petitioner shall appear before the Investigation Officer within 30 days from the date of this order.

2) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- and shall furnish one surety to the likesum to the satisfaction of Jeevanbheema Nagara Police.

3) The petitioner shall appear before the I.O whenever summoned for the purpose of investigation.

4) The Petitioner shall not tamper the witness of the prosecution.

5) The Petitioner shall put his attendance before the SHO, Jeevanbheema Nagara Police Station once in a month on every second Saturday between 9-00 am and 5-00 pm till completion of investigation.

(Dictated to the Judgment-writer on Computer, computerized by him, then corrected and pronounced by me in the open court on this the 5th day of August, 2023.)

(Sri.Gangappa Irappa Patil)
LVII Addl. CC & Sessions Judge,
M.H.Unit, Bengaluru.

**Order pronounced in open court
(vide separate order)**

ORDER

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*LVII Addl. C.C.& Sessions Judge,
M.H.Unit, Bengaluru.*

