NC: 2023:KHC:30334
CRL.P No. 6820 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 6820 OF 2023

BETWEEN:

SRI. BALCHANDRAINAMDAR,
S/O. HANUMANTRAOINAMDAR,
AGED ABOUT 33 YEARS,
R/O NO.284, ARJUNWAD,
BELAGUM DISTRICT - 591 309.

...PETITIONER

(BY SRI. HARISH KUMAR M. S., ADVOCATE)

AND:

STATE OF KARNATAKA,
REPRESENTED BY
INSPECTOR OF POLICE,
CHANDRA LAYOUT POLICE STATION,
BANGALORE - 560 008.

...RESPONDENT

(BY SRI. VINAY MAHADEVAIAH, HCGP)

Digitally signed by NANDINI MS
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 438 OF CR.PC PRAYING TO DIRECT THE RESPONDENT POLICE TO RELEASE THE PETITIONER IN THE EVENT OF HIS ARREST IN CR.NO.149/2023 OF CHANDRA LAYOUT POLICE STATION, BENGALURU FOR THE ALLEGED OFFENCES P/U/S 406, 419, 420, 465, 468, 471, 503, 120B R/W 34 OF IPC PENDING ON THE FILE OF 4tH ADDITIONAL CMM COURT NRUPATHUNGA ROAD, BENGALURU AND ETC.,

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

O R D E R

Accused in Crime No.149/2023 registered by Chandra Layout Police Station for the offences punishable under Sections 120B, 406, 419, 420, 465, 468, 471, 503 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC' for short) is before this Court seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. On the basis of complaint lodged by one Girish Tuljaram Pahilajani dated 24.05.2023, the Chandra police have registered FIR in Crime No.149/2023 for the aforesaid offences against twelve persons and the petitioner is arraigned as accused No.4 in FIR. In the complaint it is averred that the complainant was introduced to invest huge sum of Rs.2 crores for business purpose and he has been cheated. From perusal of entire complaint averments, it is seen that the allegation of cheating is principally on other accused persons. In the complaint it is averred that on 29.09.2020, the complainant was introduced the petitioner in the house of Mallamma Bidari/accused No.1. It is stated that the petitioner was introduced stating that he is having an automic product

material. It is further averred that on 04.10.2020, Mallamma took the complainant to Belagum to meet the petitioner and discuss some financial matters and thereafter, they came back on 05.10.2020. On 12.10.2020, complainant allegedly handed over a sum of Rs.11,50,000/- to Mallamma and Balu at Mallamma's residence. Except these allegations, there are no specific allegations as against the petitioner.

4. Apprehending his arrest in the said case, the petitioner had filed Crl.Misc. No.6013/2023 before the Court of the LXVIII Additional City Civil and Sessions Judge, Bengaluru City (CCH-69), which came to be dismissed on 15.07.2023. Under these circumstances, the petitioner is before this Court.

5. Learned counsel for the petitioner reiterating the grounds urged in the bail petition submits that accused No.3 has been granted regular bail and accused No.11 has been granted anticipatory bail by this Court in Crl.P. No.6255/2023. Therefore, he prays to allow the petition.

6. Per contra, the learned HCGP has opposed the bail petition contending that custodial interrogation of the petitioner is required. Therefore, prays to dismiss the petition

7. From a reading of the complaint averments it is seen that the principal allegation in the complaint is against Mallamma. Complainant allegedly invested the money over a period of nearly three years with aforesaid Mallamma on different dates. Grievance is that he has not received the returns for the said investment and the investment amount has not been returned to him. Petitioner was allegedly introduced to the complainant in the house of Mallamma and subsequently, Mallamma and the complainant had traveled to Belgaum to meet the petitioner. The allegation against the petitioner is that complainant had paid a sum of Rs.11,50,000/- to Mallamma and the petitioner at Mallamma's residence. No other specific allegations have been made against the petitioner. Learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents and the same is not opposed by the learned HCGP. Under these circumstances, I am of the view that the petitioner has made out *prima facie* case for grant of anticipatory bail. Accordingly, the following:

O R D E R

The Criminal Petition is ***allowed***.

The respondent - Police or any other Police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.149/2023 registered by Chandra Layout Police Station for the offences punishable under Sections 120B, 406, 419, 420, 465, 468, 471, 503 read with Section 34 of IPC, subject to the following conditions:

1. Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the Investigating Officer.

2. Petitioner shall regularly appear before the trial Court without fail unless exempted by the trial Court for valid reasons.

3. Petitioner shall not tamper with the prosecution witness and he shall co-operate with the Police for investigation and appear before the Investigating Officer whenever called upon till filing of final report.

4. Petitioner shall not involve himself in similar cases in future.

Sd/-
JUDGE

VBS