

IN THE COURT OF FAST TRACK-II, BENGALURU CITY

Dated this the 2nd day July, 2014

Present;- Sri. K.R. Nagaraja, B.A., L.L.B.

Presiding Officer, Fast Track Court-II.

Crl.Misc.No.3590/2014

Petitioners : 1. G.R. Nagarajan,
S/o Late Ramappa,
Aged about 65 years,

2. Smt. Vasantha Nagarajan,
W/o G.R. Nagarajan,
Aged about 60 years,

Both residing at No.G-10
SSD Pearls Apartment,
Chikkalasandra,
BENGALURU-61.

[By Sri. V. Girish, Advocate]

--V/s--

Respondent : State by:
Subramanyapura police Station,
B A N G A L O R E.

[Rep.By.Sri. S.V. Bhat, Public Prosecutor]

O R D E R

Petitioners who have been arraigned as Accused No.2 and 3 in
Cr.No.307/2014 on the file of respondent police, apprehending
their arrest from respondent police station have applied for grant of

anticipatory bail U/Sec.438 of Criminal Procedure Code with support of following facts and grounds:

Respondent police have registered above crime for investigation of offences punishable U/Sec.468, 471, 420, 120B of Indian Penal Code against 3 accused including petitioners on the basis of First Information Statement of Smt. Swathi, who is none other than the wife of 1st accused and daughter-in-law of petitioners herein. First informer Smt. Swathi has alleged in her First Information Statement that herself and her husband A1 Dattapramod jointly purchased plot No.G-10 at Shivashankari Pearls Apartment, 2nd Cross, Udayanagar, Chikkalasandra, Bengaluru City through sale deed dated 30/4/2010 and accused in order to defraud her did conspiracy and created false document and got gifted her half share in the said property in the name of 3rd accused through registered instrument registered at the office of Sub-Registrar, Banakshankri and accordingly she sought to take action against the accused. As noted supra, respondent police based on above First Information Statement of Smt. Swathi registered above noted crime. Petitioners have claimed that first informer has lodged false complaint without reading the gift deed

executed by A1 through A2 in favour of A3 and accused has not disclosed the original suit in O.S.No.5049/2012 on the file of City Civil Judge, Bengaluru City pending for consideration and A1 laid suit against first informer for declaration that he has half share in the said property and he has gifted half share in favour of A3 who is his mother and remaining half share is in the name of first informer which also claimed by first informer. Petitioners have claimed that there is matrimonial dispute between first informer and A1 and first informer is the habit of filing false complaint against petitioners and this is the 5th complaint given by her to harass them. They are ready to abide by any of the conditions that may be imposed by the court. They are innocent to the alleged offences. First informer has been demanding one crore rupees as a compensation from A1 to give divorce. Petitioners are ready to furnish surety to the satisfaction of any authority. With these facts and grounds, petitioners have prayed for grant of anticipatory bail.

2. Learned public prosecutor has opposed bail petition through his objection statement, wherein inter-alia while reiterating the above allegation of first informer and also existing matrimonial

dispute between first informer and accused family specifically contended that the petitioners against whom there are several criminal cases pending for investigation will likely to flee from justice and tamper with prosecution materials and therefore, their application to be rejected. With these objections, learned p prays to dismiss bail petition.

3. Heard the arguments of learned counsel for the parties.

4. Perused the papers.

5. In the light of above materials, following points fall for decision making of this court:-

1. Whether the petitioners deserve for grant of anticipatory bail?

2. What order?

6. This court upon appreciation of available materials with reference to prevailing principles for consideration of anticipatory bail give findings to the above points as follows:

Point No.1 : In the affirmative with conditions.

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

REASONS

7. **POINT NO.1:** Impugned crime has been registered for

investigation of above noted offences against these petitioners and their son A1 Dattapramod on the basis of First Information Statement of Smt. Swathi. Smt. Swathi has mainly alleged that these accused with having conspiracy got created a gift deed in the name of 3rd accused who is mother of her husband covering her half share in the property. Petitioners have produced copy of gift deed dated 18/2/2012 executed between Dattapramod and 3rd accused Smt. Vasantha. This document shows that A1 gifted above disputed property in favour of his mother. In this deed entire property was gifted. Petitioners have also produced registered rectification deed dated 2/4/2014. It shows that half of the property, which jointly purchased by first informer and her husband A1 was gifted in favour of A3 by her husband. Therefore, ownership and right of first informer to an extent of half share in the property in question has not been gifted in favour of a3. Alleged gift deed or rectification deed will not bind on the right of first informer. Besides first informer and her husband have been litigating their right in respect of disputed property through above referred original suit. Petitioners have produced copy of First Information Statement lodged by first informer on 3-4 occasions i.e.

on 11/9/2013 and 11/3/2014 and copy of plaint in O.S.No.5049/2012. These documents probabalize the claim of petitioners. Thus there are no reasonable grounds to believe commission of alleged offences by the petitioners. Petitioners have permanent abode in the above described address. They have no bad antecedents. Alleged offences are not exclusively punishable with death or imprisonment for life. Having considered these factors, it is proper to grant bail in favour of petitioners as prayed by them. Apprehension of petitioners for their arrest from respondent police is also well founded from the available materials. Accordingly, petitioners are entitled for anticipatory bail. Hence this point is answered in the affirmative.

8. **POINT No.2:** In the light of finding on the above point, petition of petitioners to be allowed with conditions. In the result this court proceeds to pass the following:

ORDER

Bail petition of petitioners is allowed.

Petitioners who are A2 and 3 in Cr.No.307/2014 on the file of respondent police station are granted anticipatory bail in the event of

their arrest from the said police station, subject to following;

CONDITIONS

1. They shall execute their personal bond for Rs.50,000/- each with one surety for the like sum.
2. He shall not indulge in any criminal activities.
3. They shall not give threat to the first informer Smt. Swathi or any prosecution witnesses.
4. They shall not tamper with prosecution materials.
5. They shall co-operate for investigation and they shall appear before I.O. whenever they will be called by him.

(Dictated to the Stenographer, transcribed by him, then corrected and pronounced by me in the open court on this the **2nd day of July, 2014**)

(K.R. Nagaraja,
Presiding Officer, Fast Track Court-II,
Bangalore.