

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH.20)**

Present:

**Sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru**

Dated this the 7th day of November, 2020

Crl.Misc.No.25835/2020

Petitioners:-

1. Anthony David,
S/o H.Moses,
Aged about 40 years,
R/a.No.1/1A, PSK Naidu Road,
Muddamma Garden, Cox Town,
Jeevanahalli, Near Yellow Water
Tank, Frazer Town,
Bangalore-560 005.
2. Mary Lisy,
W/o Anthony Devid,
Aged about 30 years,
R/a.No.1/1A, PSK Naidu Road,
Muddamma Garden, Cox Town,
Jeevanahalli, Near Yellow Water
Tank, Frazer Town,
Bangalore-560 005.

[By Sri.D.G.S-Advocate]

Vs.

Respondent:-

State By Banaswadi Police
Station, Bengaluru.

[By Public Prosecutor]

ORDER

The petitioners 1 & 2 have filed this petition U/s.438 of Cr.P.C. praying for granting an order of anticipatory bail in respect of the offences alleged under section-420 of Indian Penal Code, in the event of filing any complaint and registering case against them in the Respondent Police Station.

2. Brief facts of the petition are as under:-

Petitioners 1 and 2 being husband and wife had borrowed some money from one Shanmugappa and they have made repayment of Rs.15.00 Lakhs which is the principal amount. Petitioner No.1 could not pay interest on the principal amount due to financial difficulties. Lender forced the petitioners to sign blank cheques and papers before the Respondent Police by lodging a false complaint. Respondent Police in collusion with the lender are harassing the

petitioners to make settlement of the amount and lender is blackmailing them by taking blank cheque and signatures on blank papers. Petitioners apprehend that respondent police will register a false case for the offence under section 420 of Indian Penal Code in connection with the complaint submitted by said Shanmugappa. If they are arrested they will be subjected to torture, humiliation and harassment and they are ready to abide by any conditions and offer surety and thus they pray for granting an order of Anticipatory Bail.

3. Respondent/Prosecution has filed Objection to the above petition stating that no case is registered in the Respondent Police Station and sought for rejecting the bail petition.

4. Heard arguments.

5. In the circumstances, following points arise for determination are:

1) Whether the petitioners 1 and 2 are entitled to an order of anticipatory bail as sought for?

2) What order?

6. My findings on the above points are under:

Point No.1 : In the **affirmative**

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

REASONS

7. Point No.1:-In this matter, as yet no FIR is registered against the Petitioners 1 and 2 in the Respondent Police Station. However, it is the case of the petitioners that they apprehend their arrest by the Respondent Police.

8. Petitioners have produced copies of their Aadhar Cards and copy of complaint given by Shanmugamma to the Respondent Police Station and also copies of photographs.

9. Having regard to the nature of allegations and also material produced by the petitioners, I am of opinion that petitioners apprehension about their possible arrest in connection with the complaint submitted by one Shanmugamma who is said to be their lenders seems to be reasonable. Offence under section 420 of Indian Penal Code may not strictly attract to the facts of the case. Yet, having regard to the apprehension and the nature of the allegations, I am of opinion that a restricted order of Anticipatory Bail may be granted in their favour by imposing appropriate conditions. Consequently, Point No.1 is answered in the **affirmative**.

10. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Bail petition filed by Petitioners 1 and 2 under Sec.438 of the Cr.P.C **is hereby allowed** by granting an order of anticipatory bail, subject to the following conditions:

1) Petitioners shall not commit similar offences or other offences.

2) Petitioners, in the event of their arrest on the complaint of one Shanmugappa for the offence punishable under sections 420 of Indian Penal Code before the Respondent-Banaswadi Police Station, they shall be released on

bail on obtaining their personal bond for Rs.50,000/- each with one solvent surety for like sum.

3) This bail order shall be in force for a period of **three months only.**

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(Dictated to the Stenographer, transcribed by him, then corrected and pronounced by me in the open court on this the **7th day of November, 2020**)

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(D.S.Vijaya Kumar)
XXVI Addl.CC & SJ, M.H.Unit,
Bengaluru.

(Order pronounced vide separate Order)

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(D.S.Vijaya Kumar)

XXVI Addl.CC & SJ, M.H.Unit,

Bengaluru.