

**IN THE COURT OF THE IV ADDL. CITY CIVIL AND
SESSIONS JUDGE MAYOHALL UNIT, BENGALURU (CCH-21)**

Dated: This the 3rd day of November 2020

PRESENT:

SRI. MOHAMMED MUJEER ULLA C.G. B.A. LL.B.,
IV Addl. City Civil and Sessions Judge, Bengaluru
(CONCURRENT CHARGE)

CRL.MISC. NO.25834/2020

PETITIONER:	SRI. VISHWAS DINESH MULANI <i>S/o. Dinesh B Mulani</i> <i>Aged about 35 years</i> <i>R/at: No.33,AECS Layout</i> <i>Ashwathnagar</i> <i>RMV II Stage</i> <i>Bengaluru-560 094.</i>
(REP BY: SRI. MOHAMMED MUJASSIM, ADVOCATE)	

.. Vs ..

RESPONDENT:	STATE BY BANASAWADI POLICE STATION
(BY PUBLIC PROSECUTOR)	

ORDERS ON BAIL APPLICATION

*The Petitioner has filed the instant petition U/Sec.438 of Cr.P.C., for
grant of anticipatory bail.*

2. The learned Public Prosecutor has filed objection.

3. *Heard arguments on both side and perused record.*

4. *The point for consideration is:*

*“Whether the Petitioner is entitled for
anticipatory bail?”*

5. *My findings on the above point is in the **AFFIRMATIVE** for the following:*

REASONS

6. *The case of the complainant is that, on the request of accused No.1 Prathima Dinesh Mulani, she (complainant) provided financial assistance of Rs.1,02,00,000/-. Towards the repayment of loan, she issued cheque. On presentation, it was dishonored. Petitioner is her son. He also refused to make the payment. On the basis of the complaint given by Smt.Deepa.R. Mulani, the SHO of Banasawadi police station registered FIR in Cr.No.330/2020 for the offence punishable U/Sec.420 of IPC.*

7. *The learned public prosecutor has filed objection contending that, the petitioner & his mother cheated the complainant. The investigation is at a preliminary stage. At this stage, if the petitioner is released on bail, it will hamper the investigation. If the petitioner is released on bail, he will tamper*

the prosecution witnesses and abscond. On these and other grounds, the learned public prosecutor prays to dismiss the instant petition.

8. *Petitioner has produced copy of his passport. A perusal of the same would show that, he is the resident of Bengaluru. Petitioner has also produced the copy of order passed in Crl.Misc.No.5918/2020 passed by 67th Addl. City Civil & Sessions Judge, Bengaluru (CCH-68). A perusal of the same would show that, accused No.1 has obtained anticipatory bail. The offence alleged against the petitioner punishable U/Sec.420 of IPC is not punishable with death or imprisonment for life. It is not the case of the complainant that, she paid money to petitioner, the accused No.2. When the 1st accused who received the loan from complainant was already released on bail, I am of the view that, bail can be granted to the petitioner. In view of my afore said findings, I answer the point for consideration in the **AFFIRMATIVE** and pass the following:*

ORDER

The Petition filed by the Petitioner U/Sec.438 of

Cr.P.C., is allowed.

Petitioner is ordered to be released on bail in case of his arrest in connection with Cr.No.330/2020 of Banasawadi Police Station for the offences punishable U/Sec.420 of IPC, by taking bond in a sum of Rs.50,000/- with a surety of like sum each subject to the following:

CONDITIONS

- 1. The Petitioner shall appear before the Investigating officer within 15 days from the date of this order and to co-operate with the investigation.*
- 2. He shall further appear before the Investigating Officer whenever called upon to appear by giving notice in writing well in advance fixing the date and time of appearance and co-operate with the investigation.*
- 3. He shall not tamper the prosecution witnesses.*

4. *He shall produce Aadhar Cards/Identity Cards,
contact numbers and photos of himself and his
surety while executing bail bond.*
5. *He shall not change his residence without prior
permission of the court.*

*[Dictated to the Stenographer directly on computer, corrected, signed
and then pronounced by me in the open Court on this the 3rd day of
November 2020].*

[MOHAMMED MUJEER ULLA C.G]
*C/C IV Addl. City Civil Judge
Mayo hall, Bengaluru (CCH 21)*