

**IN THE COURT OF THE III ADDL. DISTRICT AND
SESSIONS JUDGE, RAMANAGARA**

:Present:

Sri.Siddalinga Prabhu., B.Sc., LL.B.,
III Addl. District and Sessions Judge,
Ramanagara.

Dated this the 6th day of December 2019

Crl.Misc.No.703/2019

Petitioners:

1) Chandrashekar,
S/o. Puttaswamygowda,
Aged about 51 years,
R/at. Elekeri Village,
Kasaba Hobli,
Channapatna.

2) D.K.Siddegowda,
S/o. Doddegowda,
Aged about 49 years,
R/at. Elekeri Village,
Kasaba Hobli,
Channapatna.

3) Muddumaregowda,
S/o. Puttaswamygowda,
Aged about 45 years,
R/at. Kanakapura Town,
Ramanagara Taluk & District.

4) Siddalingaiah,
S/o. Ningappa,
Aged about 43 years,
R/at. Yelowadi Hand Post,
Kasaba Hobli,
Magadi Taluk,
Ramanagara District.

(By Sri.M.S.M., Advocate)

– V/s. –

Respondent:

State of Karnataka
By Ijoor Police,
Ramanagara District.

(Rep. Public Prosecutor, Ramanagara)

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ORDERS ON BAIL PETITION FILED UNDER
SECTION 438 OF Cr.P.C.

The petitioners being accused Nos.5 to 8 of C.C.No.15/2018 prefer this petition u/s 438 of Cr.P.C seeking an order of anticipatory bail in their favour.

2. It is averred that basing upon a private complaint initiated by Rangaraju.G before the Prl. Senior Civil

Judge and CJM, Ramanagara, PCR was registered in PCR No.1/2016. In the private complaint, it is averred that basing upon the advertisements in Newspapers and TV channels given by the first accused M/s. Sri Guru Agri Farm Pvt. Ltd., its Managing Director, Directors and Managers and also upon the assurance given by the said company and its officers to the effect that if one were to invest Rs.1,000/- in the name of said company, he or she would, after lapse of 25 years, get 10 sq.ft of teak wood or Rs.25,000/-. Several public including the complainant had invested amount in the above said company. That despite of lapse of 25 years, the said company neither returned the amount as promised nor did it provided the teak wood as assured. Therefore, the complainant moved the private complaint narrating the facts and urging to take action for the offence punishable u/s 420 of IPC. After hearing the complainant, the learned CJM was pleased to direct the respondent police to register the crime and investigate the matter. Accordingly, after investigation being completed, the respondent police preferred the charge-sheet in C.C.No.15/2018.

3. By mentioning the above said facts, the petitioners urge the following grounds:

That the bail accused-petitioners are innocent of the alleged offence. That the accused-petitioners had written a letter to the Managing Director of the above said company expressing their displeasure in the matter of non-payment of labour charges and commission amount and therefore, that the accused-petitioners would not intend to continue the work under the above said company. That the above said company gave permission to quit their work.

It is also mentioned that the accused-petitioners are daily labour workers and at no point of time, they have collected single rupee from public at large. Nor did they misused it. That on the other hand, the public at large used to make direct investment to the company. Therefore that no overt-act can be attributed to the accused-petitioners. As the investigation being already over, the respondent police does not require the accused-petitioners. That the accused-petitioners hail from respectable families and they being the permanent residents of the address given in the cause-title and they being ready and willing to

abide by any of the conditions which may be imposed by this court, the accused-petitioners seek for necessary orders of anticipatory bail in their favour in the event of their arrest by the respondent police in connection with C.C.No.15/2018.

4. Per contra, the learned Public Prosecutor in his objections dated 27.11.2019 opposes the bail petition stating that the charge-sheet and accompanied documents prima-facie establish the alleged offence as against the accused persons. That the offence alleged being severe and non-bailable in nature and as there is scope for tampering of prosecution witnesses, the bail petition be rejected. It is also averred that the grounds of the bail petition are utterly false and baseless. Therefore that the bail petition be dismissed.

5. The above said rival pleadings do give rise to the following points for consideration:

1. Whether the accused-petitioners are entitled for an order of anticipatory bail in their favour as prayed for?
2. What order?

REASONS

6. The fact that the accused-petitioners were Daily Labour Workers of M/s. Sri Guru Agri Farm Pvt. Ltd. Company and that they had quit their work are not disputed by the prosecution. It is not the case of the prosecution that the accused-petitioners were previously convicted by any court of law for any cognizable offence. It is not the case of prosecution that these accused-petitioners were handling the investment by way of money personally on behalf of the above said company. The apprehension of the State that these accused-petitioners would tamper with the prosecution witnesses can overcome by allowing the petition on terms. Therefore, subject matter of point No.1 deserves to be answered in the **Affirmative** and the same is hereby answered accordingly. This court proceeds to pass the following:

ORDER

The bail petition preferred by the petitioners under Section 438 Cr.P.C., is hereby allowed on the following terms:

1) That in the event of arrest of petitioners by the respondent police in connection with Cr.No.115/2016 of the respondent Ijoor police station, the accused-petitioners shall be released forthwith on the condition that the accused-petitioners shall each execute personal bond for Rs.25,000/- and shall each offer a surety for like sum.

2) The accused-petitioners shall approach the jurisdictional court forthwith by preferring regular bail petition.

3) The accused-petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

4) The accused-petitioners shall not leave the territorial jurisdiction of this court without prior permission of the court.

(Dictated to the Stenographer, thereof transcribed and computerized by her, then corrected, signed and pronounced by me in the open court on this the 6th day of December 2019)

(Siddalinga Prabhu)

III Addl. District and Sessions Judge,
Ramanagara.