

**IN THE COURT OF V ADDITIONAL DISTRICT JUDGE,
BENGALURU RURAL, SITTING AT DEVANAHALLI.**

DATED THIS THE 01ST DAY OF DECEMBER, 2022

:PRESENT:

Sri BIRADAR DEVINDRAPPA N., B.A.,L.L.B.[Spl.]
V Additional District & Sessions Judge,
Bengaluru Rural, [to sit at Devanahalli]

Criminal Miscellaneous No.15318/2022

PETITIONER : SUBRAMANYA,
S/o Late Narayan Appa,
Aged about 66 years,
R/at No.14, 2nd Cross, 5th Main,
Sampangiram Nagar, Bengaluru.

Rep. by- Mr.SBN - Advocate
V/s

RESPONDENT : STATE BY - DEVANAHALLI
POLICE STATION

Rep. by Public Prosecutor

ORDER ON BAIL APPLICATION U/s 438 OF Cr.P.C.

Petitioner Subramanya filed this petition under Section 438 of Cr.P.C., for anticipatory bail against the Police Inspector, Devanahalli Police Station, Devanahalli.

2. No case was registered at the time of filing of bail petition. It is narrated in the petition that, one Aish

Ahamadi filed a false complaint. Petitioner came to know that, his old friends have cheated him. Hence, this petition.

3. Subsequently, police have registered a case in Crime No.183/2022 of Devanahalli Police Station, Devanahalli for the offences punishable under Section 465, 468, 419 and 420 r/w 34 of I.P.C. against the accused on the basis of information dated 17.11.2022 furnished by one Aisha Ahamadi.

4. Learned Public Prosecutor filed objection.

5. Heard both the sides and perused the records. Thereafter, following points for arise for determination.

1] Whether the petitioner/accused is entitled to the bail?

2] What Order?

6. My findings to the above points are as under:

Point No.1: In the Affirmative;

Point No.2: As per the Order
for the following:

-: REASONS :-

7. **POINT No.1:** Brief facts narrated in the petition are that, a broker of real estate introduced a

lady to the petitioner accused stating that, she is absolute owner of a land situated at village Devanahalli, petitioner negotiated with her and agreed to purchase the land thereby paid advance amount of Rs.25 lakhs and got executed a sale agreement. Cheque towards advance amount was issued in the name of relative of said lady as requested by her. On 22.10.2022, the petitioner went to the land along with broker and some strangers have appeared and obstructed him from carrying out agricultural work. The broker, the owner lady and strangers have raised quarrel with him, abused, threatened and manhandled. He came to know that lady who negotiated with him is relative of the land owner. Broker forwarded a telephonic message and copy of complaint to the petitioner and asked him to approach for bail. Accordingly, it is prayed to allow the petition.

8. Learned Public Prosecutor filed objections contending that, first informant Aisha purchased the land bearing Sy.No.10/8 measuring 35 guntas of village Muddanayakanahalli from one G.Annapoorna on 22.04.2008. On 19.10.2022 a fake Aisha sold said land in favour of accused Subramanya. Complaint was filed on

17.11.2022 and case was registered in Crime No.183/2022 of Devanahalli Police Station, Devanahalli for the offences punishable under Section 465, 468, 419 and 420 r/w 34 of I.P.C. [as per the reference in the Investigating Officer's letter]. Accordingly, it is prayed to reject the petition.

9. Copies of first information, WhatsApp message screenshot, Form No.A, police notice, Judgment of Hon'ble Apex Cour and Investigation Officer's letter addressed to learned Public Prosecutor are made available.

10. It is alleged that, accused purchased the first informant's land through a fake Aisha. Matter requires investigation. No case is made out to hold that petitioner's presence is required for custodial interrogation. Nothing is there to hold that grant of bail would come in the way of free fair and full investigation. Alleged offences are not punishable with death or life imprisonment. No previous conviction is proved. Accused may be prevented from committing offence and hampering prosecution case and his presence may be secured by imposing conditions. Hence, he is entitled to

the anticipatory bail. Accordingly, point No.1 is answered in the 'Affirmative'.

11. **POINT No.2:-** For the foregoing reasons, I proceed to pass the following:-

ORDER

Petition under Section 438 of Cr.P.C filed by the accused petitioner of Crime No.183/2022 of Devanahalli Police Station, Devanahalli for the offences punishable under Section 465, 468, 419 and 420 r/w 34 of I.P.C. is allowed, subject to personal bond for a sum of Rs.1,00,000/- [Rupees One Lakh only] with a surety for the likesum to the satisfaction of Investigating Officer.

[i] He shall appear before the Investigating Officer within ten days from today.

[ii] He shall not indulge in similar offences strictly;

[iii] He shall not tamper with the prosecution witnesses directly/ indirectly;

[iv] He shall not leave the India
without prior permission of the Committal/
Trial Court; and

[v] He shall produce all available
address and ID proof documents.

[Dictated to the Stenographer, transcribed and computerized by her,
corrected, signed and then pronounced by me in the open court on this the 01st
day of December, 2022.]

[BIRADAR DEVINDRAPP N.]
V Addl. District & Sessions Judge,
Bengaluru Rural, Sitting at Devanahalli.