

**IN THE COURT OF THE LXIV ADDL.CITY CIVIL & SESSIONS
JUDGE (CCH-65) AT BENGALURU.**

Dated this 13th day of June, 2019

-: P R E S E N T :-

**Sri. RAJESHWARA,
B.A., L.L.M.,
LXIV ADDL.CITY CIVIL & SESSIONS JUDGE,
CCH-65, BENGALURU CITY.**

Crl.Misc.No.4742/2019

PETITIONER : **Krishna Murthy K.S.,**
S/o. Shankar Narayan,
R/at. 30/3-1, 1st Floor,
Kanakapura Road,
Behind Fedaral Bank,
Basavanagudi,
Bengaluru-560 004.

(By Sri. B.Ravindra, advocate.)

RESPONDENT : **-Vs -**
State of Karnataka by
Vishveshwarapuram Police Station,
Bengaluru.

(Rep. By Learned Public Prosecutor)

ORDER ON BAIL APPLICATION FILED U/S.438 OF CR.P.C.

Petitioner filed this petition U/s.438 of Cr.P.C., seeking the relief of anticipatory bail in Cr.No.22/2019 of Vishveshwarapuram Police Station, Bengaluru for the offences punishable U/s.420, 272, 273 of I.P.C., pending on the file of Addl.Chief Metropolitan Magistrate, Bengaluru.

2. In the petition, petitioner contended that he is absolutely innocent of the offences alleged and he has got valid and tenable defence. He is falsely implicated in the above said case. He is carrying the retail business in the provision store. Nothing is seized from his store. His name is not found in the complaint. He hails from respectable family and is having deep roots in the society. He has no criminal antecedents. He is carrying business legally since several years and gained excellent reputation in the locality. He is married and is having small children, wife, and age old parents. Alleged offences are not punishable with death or imprisonment for life. He is permanent resident of the address shown in the cause title of the petition. He is ready to undertake to abide by the terms and

conditions and offered to furnish surety for his release on bail. For the aforesaid reasons, petitioner prayed to allow the application.

3. The Learned Public Prosecutor appearing for the State has not filed statement of objection. However, Learned Public Prosecutor appearing for State orally submitted that, petitioner is required for investigation. In the event of releasing him on anticipatory bail, there is every chance of absconding, tampering and allure the prosecution witnesses, repetition of crime of similar nature. Hence Learned Public Prosecutor appearing for the State prayed to dismiss the anticipatory bail petition filed by the petitioner.

4. Heard both sides. Perused petition and contents of the documents annexed by the petitioner.

5. Now, following are the points arising for determination:

1. Whether petitioner/accused is entitled to be released on bail U/s. 438 of Cr.P.C.,?
2. What Order?
6. It is answered for the aforesaid points as under:-

Point No.1: In the Affirmative.

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

REASONS

POINT NO. 1:-

7. Along with petition, certified copies of F.I.R.No.22/2019 dated 16.3.2019 registered in the respondent Vishveshwarapuram police station for the offences punishable U/s.420, 272, 273 of I.P.C., first information, copy of GST Form, Shop Rental Agreement, Adhar Card of petitioner are filed.

8. Allegation made in the F.I.R., and first information that, petitioner is selling duplicate ghee in his store and selling duplicate ghee to several people with Nandini duplicate coverage. Apprehension of the petitioner that, he may be arrested for investigation of non-bailable offences is genuine. At the same time apprehension made out in the objection filed by the prosecution is also not without merit. However, this court is of the opinion that, granting anticipatory bail to the petitioner by imposing stringent conditions as well as directing him to appear before Investigating

Officer and to co-operate for investigation will meet the ends of the justice. Hence, Point No.1 is answered in the Affirmative.

9. **POINT NO.2:** In view of the aforesaid discussion, the following order is made:

ORDER

Bail petition filed by petitioner/accused U/s. 438 of Cr.P.C., is allowed.

The respondent police is directed to release the petitioner/accused on bail in the event of his arrest in Cr.No.22/2019 of Vishveshwarapura Police Station, Bengaluru for the offences punishable U/s.420, 272, 273 of I.P.C., pending on the file of Addl.Chief Metropolitan Magistrate, Bengaluru by taking personal bond of Rs.1,00,000/- with two sureties for the likesum under following conditions;

1. Petitioner/accused shall appear before Investigating Officer and co-operate with investigation within 7 days from the date of this order and make himself available for investigation as and when called by the Investigating Officer.

2. He shall appear before Jurisdictional Magistrate, Bengaluru and execute personal bond for Rs.1,00,000/- and furnish two sureties, for the like sum within one month from the date of this order.
3. He shall furnish documents regarding his address proof and the address proof of his sureties before the jurisdictional magistrate at the time of furnishing sureties.
4. He shall mark his attendance at respondent police station on every 1st and 3rd Sunday in between 10.00 a.m. and 2.00 p.m., till filing final report. Thereafter, he shall appear on 1st of every month in between 10.00 a.m. and 2.00 p.m., till conclusion of trial.
5. He shall appear before the trial court on all dates of hearing, without fail.
6. He shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
7. He shall not indulge with offence of like nature.

8. He shall not leave the jurisdiction of the trial court, without prior permission.
9. Violation of any one of the aforesaid conditions, bail granted herein shall automatically stands cancelled.

(Dictated to the Judgment writer directly on computer, typed by her and corrected, signed and then pronounced by me in the open court on this 13th day of June, 2019.)

**(RAJESHWARA)
LXIV ADDL.CITY CIVIL &
SESSIONS JUDGE, CCH-65,
BENGALURU CITY.**