

**IN THE COURT OF THE LXI ADDL. CITY CIVIL,
SESSIONS JUDGE: BENGALURU CITY**

Dated this the 3rd day of June, 2019

-: PRESENT :-

Sri Vidyadhar Shirahatti, LL.M

LX Addl. City Civil & Sessions Judge, Bengaluru
C/c. LXI Addl. City Civil & Sessions Judge,
Bangalore, (CCH-62)

CRL.MISC. No. 4481/2019

Petitioner/s : 1. Noor Tajamul
S/o.Noor Pasha
Aged about 44 years
R/a.No.5/22, 3rd Cross
Pammegowda Street
J.C. Nagar
M.R.Palya
Bangalore-06.

(Accused No.1)

(By Sri.Syed Ummer, Advocate)

V/s

Respondent : The State by
HSR Layout P.S.,
Bengaluru.

Rep. by Public Prosecutor,
City Civil Court
Bengaluru.

ORDERS

The petitioner has filed the petition u/s 438 Cr.P.C.
praying for granting anticipatory bail to him and to direct
the respondent police to release him on bail in the event of

his arrest by respondent police in Cr. No.136/2019 for the offences punishable under Sections 420, 468, 471 of IPC, pending on the file of learned VI ACMM, Bangalore.

2. It is the contention of the petitioner that he is innocent of the offences leveled against him, he has been falsely implicated at the instance of inimical persons, the offences alleged are not punishable with death or imprisonment for life, at no point of time he has cheated the complainant, he has been made as a scapegoat in the alleged crime to suit the offences, there is no prima facie case made out against him and there is no specific overt act attributed against him. The petitioner hails from respectable family, has no previous bad antecedents, he has got deep roots in the society, he is permanent resident of Bangalore having permanent abode as such there is no chance of his absconding nor fleeing away from justice. He is ready and willing to abide by the terms and conditions that may be imposed by this court and to offer solvent surety to the satisfaction of the court. With these, he pray to allow the application.

3. The learned public prosecutor representing the State, filed objections to the bail petition and submitted his arguments that the petition filed by the petitioner is not tenable either in law or on facts of the case. The materials placed on record, prima facie show the involvement of the petitioner in commission of alleged offences. Under such

circumstances, if the petitioner is granted anticipatory bail, she may tamper the prosecution witnesses and abscond from the jurisdiction of the court. With these grounds, prayed to reject the petition.

4. Heard both sides.

5. The following points arose for my consideration:-

1) Whether the petitioner has placed sufficient grounds to allow the petition?

2) What Order?

6. My findings on the above points are as follows:-

Point No.1 - In the **Affirmative**.

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

REASONS

7. **Point No.1**:- It is the case of the prosecution that the complainant knows Moin, who introduced Noor Tajmul, the care loan agent and they insisted the accused to purchase car and they said that they will attach the said car to Noor Tajmul's agency as Noor Tajmul is having travel agency believing the words of the accused the complainant along with the accused went to Union bank of India, took signature thereafter they have opened the bank account in the name of the complainant and by colluding with Noor Tajmul and Moin, the Branch Manager sanctioned loan and the same was transferred to K.H.T.

Motors. When Complainant enquired about the same, he came to know that no such loan amount was transferred. Further complainant came to know that accused has cheated him by creating forged documents. In this regard, complainant had lodged complaint before the respondent police, the police on the basis of the same have registered the case in their P.S. Cr. No.136/19 for the offence punishable under Section 420, 468, 471 of IPC.

8. The offences alleged against the petitioner is not punishable with death or imprisonment for life. The entire case of the prosecution is based on the documentary evidence. Though investigation is under progress, there is no specific allegations against the petitioner that he is capable of tampering the documentary evidence. As per the records the petitioner is permanent resident of Bangalore city. So, chances of absconding is remote. The petitioner undertakes to furnish surety to the satisfaction of this court and to abide by the conditions which may be imposed by this Court. Moreover, on perusal of the memo dated 30.05.19 filed along with the copy of the order passed in Crl.Misc. No.4468/2019 which discloses that accused No.2 has already been granted bail on 29th of May 2019 by this court and hence on parity grounds this petitioner is also entitled for bail. Thus, looking to the facts and circumstances of this case, I think this is a fit case wherein the petitioner can be granted anticipatory bail with stringent conditions to meet the apprehension of the

prosecution. Accordingly, I answer point No.1 in **affirmative**.

9. **Point No.2:** Having regard to my above observations and findings on the above point No.1 in affirmative, I proceed to pass the following:-

ORDER

The petition filed by the petitioner u/s 438 of Cr.P.C., is hereby allowed.

The petitioner is ordered to be released on bail in the event of his arrest by respondent police in Cr.No.136/2019 for the offences punishable u/s 420, 468 and 471 of IPC on execution of personal bond for Rs.50,000/-, with one surety for like sum, subject to following conditions:

- i. The petitioner shall not tamper with the prosecution witnesses in any manner.
- ii. The petitioner shall make himself available before the I.O. for the purpose of investigation as and when required between 10.00 a.m., to 5.30 p.m., fill filing of charge sheet.
- iii. The petitioner shall furnish his residential address proof.

- iv. The petitioner shall not indulge in any criminal activities and in case of any violation of the above conditions, his bail bond shall automatically stands cancelled.
- v. The petitioner shall appear before the Jurisdictional Magistrate with in a period of 15 days from the date of this order.

(Dictated to the Stenographer directly on the computer, typed by her, there off corrected, signed and then pronounced by me in the open Court on this the 3rd day of June, 2019).

(Sri Vidyadhar Shirahatti)
LX Addl. C.C & S J, (CCH-61), B'lore
C/c. LXI Addl. City Civil & Sessions Judge
Bengaluru.

03.06.2019

P –SU

Res–PP

Order pronounced in open Court (vide separate order) with the following operative portion:-

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(Sri Vidyadhar Shirahatti)

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