

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

I/C LVII ADDL. CITY CIVIL AND SESSIONS JUDGE MAYOHALL
UNIT, BENGALURU (CCH-58)

Dated: This the 12th day of May 2021

PRESENT:

SRI. Shanthanna Alva M.,
IV Addl. City Civil and Sessions Judge, Bengaluru

I/C LVII Addl. City Civil & Sessions Judge, Bengaluru

CRL.MISC. No.25553/2021

PETITIONERS:	1	Mr. P. Maylvaganan @ Babu, S/o V. Peethambara Mudaliar, Aged about 64 years,
	2	Smt. Amudha, W/o P. Maylvaganan @ Babu, Aged 50 years,
	3	Kiran S/o P. Maylvaganan @ Babu, Aged about 30 years,
	4	Kishore S/o P. Maylvaganan @ Babu, Aged about 30 years, All are R/at No.17, Old No.9/1, Vellu Mudaliar Road, Shivan Chetty Garden, Off: Kamaraj Raod, Bengaluru-560001

		(Accused No.1 to 4)
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(PLEADER BY: Aruna Law Associates -, Advocate)

.. Vs ..

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

ORDER ON BAIL APPLICATION

Petitioners arrayed the accused in crime No. 115/2021 registered at the respondent for the offence punishable under section 427,506,420,448 R/w 34 of I.P.C, filed the petition u/s. 438 of Cr.P.C seeking anticipatory bail.

2. In the petition it is stated that petitioners are innocent and allegations made against them are false. The false was complaint was lodge defendant and there is every chance of respondent calling them to the station and arresting them in the guise of investigation. If the cheque issued by the petitioner No. 1 id dishonored the remedy is to file the complaint. The petiner No.1 is Senior citizen and undergone open heart surgery. The petitioner No.2 is old aged lady and suffering from ailments. The

lease amount is already given and she vacated the rented premises. The petitioners are ready to co-operate with the investigation. The petitioners are the resident of Bengaluru and there is no possibility of theirs absconding. The petitioners submitted that they are ready and willing to obey the conditions that may be imposed.

3. On being notified, Ld Public Prosecutor filed objection contending that that the case is still under investigation and at this tage if bail is granted it will cause hindrance to the investigation. There is also possibility of threatening the prosecution witnesses and complaint. There is also chance their absconding. It is contended that petitioners have not made out grounds to enable them to get the protection of pre-arrest bail.

4. Heard the arguments of Ld Counsel for the petitioners and of the Ld Public Prosecutor. Perused the petition, objection and the documents filed along with the petition. The point that arises for determination is:

*Whether the petitioners have made
out ground to grant anticipatory bail?*

5. *The finding on the above point is in the affirmative for the following:*

REASONS

6. *The complainant was lodged alleging that complainant has taken the house belong to 1st petitioner on lease for Rs.15,00,000/- on 17-03-2020 and from past 2 years the petitioners were giving mental harassment to the complainant, as such the complainant asked petitioner No.1 to return the lease amount. The petitioner No.1 has transferred Rs.10 Lakhs to the complainant's account on 27-10-2020 and issued a cheque for Rs.5,00,000/- which on presentation returned dishonored. Thus the cheque was bounced the complainant did not vacate the house and stayed in the same house. The petitioners without giving the balance amount, threatening the complainant with life to vacate the house. It is stated petitioner broke opened the lock and taken the valuables. The petitioners contended that Rs 5 lakh was given through cash and she herself vacated the premises and they denied the alleged incidence.*

7. *The arrest and seeking custody either by police or judicial custody is to be resorted only if it is absolute necessity. The liberty of a person cannot be curtailed unless it is absolute necessity. The petitioners assertions that they are innocent and not committed the alleged offence. Only fair and proper investigation will bring forth as to whether the case of thee complaint is true or the petitioners are innocent. The material on record at this stage substantiates the argument that the dispute is of civil nature.*

8. *There is no need of subjecting the petitioners to th custodial interrogation. The petitioners stated that they are ready to co-operate with the investigation. The petitioners apprehension is that on the pressure of complainant, the respondent may arrest them. The possibility of arrest and seeking for custody cannot be ruled out. There is no necessary of seeking the custody of the petitioners. We are in the amidst of Covid-19 pandemic and sending to the jail is to be avoided to the possible extent. The apprehensions raised in the objection are general and they can be care of by imposing necessary conditions. Thus, for*

the reasons stated supra, the court holds that petitioners are entitle for the anticipatory bail with conditions. Accordingly the point under consideration is answered in affirmative and following:

9.

ORDER

*The Petition filed by the petitioners
U/Sec.438 Cr.P.C., is allowed.*

*Petitioners i.e. Accused No.1 to 4 are ordered
to be released on bail in case of heir arrest in
Crime No.115/2021 registered for the offence
punishable under section 427,506,420,448 R/w 34
of I.P.C by the respondent, by taking a bond for a
sum of Rs.1,00,000/- each with a surety for the
like sum on the condition that;*

1. *The petitioners shall appear before
the I.O. whenever called upon and
shall co-operate with the
investigation.*

2. *The petitioners shall not tamper or meddle with the prosecution witnesses.*

[Dictated to the Stenographer, after computerization, corrected, signed and then pronounced by me in the open Court on this the 12th day of May 2021].

[SHANTHANNA ALVA M]

*IV Addl. City Civil & Sessions Judge,
I/C LVII Addl. City Civil & Sessions Judge
Mayo hall, Bengaluru.*

*Order pronounced in the open Court
(Vide separate Order)*

ORDER

*The Petition filed by the petitioners U/Sec.438
Cr.P.C., is allowed.*

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- 1. The petitioners shall appear before the I.O.
whenever called upon and shall co-
operate with the investigation..*

2. *The petitioners shall not tamper or meddle
with the prosecution witnesses..*

*IV Addl. City Civil & Sessions Judge,
I/C LVII Addl. City Civil & Sessions Judge
Mayo hall, Bengaluru.*