

**IN THE COURT OF THE XXVI ADDL. CITY CIVIL &
SESSIONS JUDGE, AT MAYO HALL, BENGALURU
(CCH.20)**

Present:

Sri.D.S.Vijaya Kumar, B.Sc, LL.B.,
XXVI Addl. City Civil & Sessions Judge, Bengaluru

Dated this the 17th day of August, 020

Crl.Misc.No.25498/2020

Petitioner:-

Vasanthi,
Wife of Late Samuel,
Aged about 53 years,
R/a. No.19, K.P.Purvashantman
Nabmia, Byraveshwara Layout,
Hennur, Kalyana Nagar,
Bengaluru North-560 043

[By Sri.M.A.S-Adv]

Vs.

Respondent:-

State by Hennur Police Station,
Bengaluru City.

[By Public prosecutor]

ORDER

Petitioner has filed this bail petition under
section-439 of the Cr.P.C., praying for granting an

order of Regular bail in respect of the offence under section 14 of Foreigners Act and sec 489C, 489A, 489E read with sec. 34 of Indian Penal Code in Crime No.172/2020 of the Respondent-Hennur Police Station, Bengaluru.

2. Brief facts of the bail petition are as under:-

Respondent Police have falsely implicated her in the case. She is totally innocent of the offences alleged against her. She is in judicial custody since 4.8.2020. She is the sole bread earner of the family. Offence is not punishable with imprisonment for life or death. She has valid and tenable defence. She has not committed any offences as alleged. She is ready to offer solvent sureties and abide by any conditions. Thus, petitioner has sought for enlarging him on bail.

3. Objections filed by the prosecution to the above petition, are as under:-

Respondent Police have registered a case in Crime No.172/2020 for the offence under section-14 of Foreigners Act, 1946 and Sec. 489C, 489A, 489E read with sec. 34 of Indian Penal Code, against the Accused persons. Investigation is still under progress. Petitioner has committed the offence. If the petitioner is released on bail, she may abscond permanently and also commit similar offences and abscond from trial. Offence alleged is punishable with death or imprisonment for life. Hence, on these grounds, learned Public Prosecutor has sought for rejection of the bail petition.

4. Heard arguments and also perused the records.

5. In the circumstances, the following points arise for determination are:-

1. Whether petitioner is entitled to an order of Regular Bail, as sought for?

2. What order?

6. My findings to the above points are under:

Point No.1 :- In the **negative**

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

R E A S O N S

7. Point No.1:- As per the FIR in Crime No.172/2020 of the Respondent Police station, on 04.08.2020 at 8.30 in the night on the credible information received by the I.O., raided the house bearing No.52/9, 7th cross, Near Vaddara Palya bus stand, Hennur and found the owner of the house one Mr. Richard. On search of the house they found

three persons in the house I.e, (1) Vasanthy Samual (2) Okefe Precious who is the Nygerian resident not having VISA and (3) Clement who is not having any Passport or Visa. On search of the house, I.O. found a white bag in which there were 45 fake Indian currency of Rs.2,000/- and 85 fake Indian currency of Rs.500/-, 340 fake American Dollars of Rs.100 face value, 95 fake England currency of 50 Pound and 28 bundles of paper cutting like currency. On enquiry the accused persons told that the above currency was intended to be circulated along with original currencies. Hence, the FIR has been registered by the Respondent Police against the petitioner/ Accused No.1 and two others and arrested the accused persons.

8. Petitioner has been arrayed as Accused No.1 in the FIR. As per FIR, petitioner has been arrested

on 04.08.2020 along with other accused persons and the Fake currency notes have been seized. Materials show that petitioner along with other accused persons are circulating the fake currency of India and other countries with a view to deceive the public and also affect Indian economy. Offences alleged are punishable with imprisonment for life or death, and still the investigation is at initial stage and other two accused persons are not having valid Passport and VISA. In these circumstances, as the investigation is at initial stage, if the petitioner who is accused No.1 is enlarged on regular bail, it impedes further investigation in the case and also there are likelihood of destroying prosecution evidence. Hence, at this point, I am of opinion that having regard to the nature and circumstances of the case, it is not a fit case to grant an order of Regular bail to

the petitioner. Consequently, Point No.1 is answered in the **negative**.

9. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Bail petition filed by Petitioner/
Accused No.1 under Sec.439 of the
CR.P.C **is hereby dismissed.**

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(Dictated to the Stenographer, transcribed by him and computerized and then corrected and pronounced by me on this the **17th day of August, 2020**)

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(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

Vk

(Order pronounced vide separate order)

ORDER

Bail petition filed by Petitioner/ Accused
No.1 under Sec.439 of the CR.P.C **is hereby
dismissed.**

(D.S.VIJAYA KUMAR)
XXVI Addl.CC & SJ, Mayo Hall Unit
Bengaluru.

