

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

Dated: This the 17th day of August 2020

PRESENT:

SRI. MOHAMMED MUJEER ULLA C.G. B.A. LL.B.,
IV Addl. City Civil and Sessions Judge, Bangalore
(CONCURRENT CHARGE)

CRL.MISC. NO.25504/2020

PETITIONER:	SRI. M. VENKATACHALAREDDY <i>S/o. Munishamappa</i> <i>Aged about 73 years</i> <i>R/at: No.362/22</i> <i>Near KPTCL Doddagubbi</i> <i>Dr. S.R.K. Nagar</i> <i>Bengaluru - 560 077.</i>
(SRI. ARUNKUMAR M - ADV)	

.. Vs ..

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

ORDERS ON BAIL APPLICATION

The Petitioner has filed the instant petition U/Sec.438 of Cr.P.C.,
for grant of anticipatory bail.

2. The learned Public Prosecutor has filed objections.

3. *Heard arguments on both side and perused record.*

4. *The point for consideration is:*

“Whether the Petitioner is entitled for anticipatory bail?”

5. *My findings on the above point is in the **AFFIRMATIVE** for the following:*

REASONS

6. *The case of the prosecution is that, the petitioner without complying the provisions of Foreigners Act, has provided accommodation in his property to the foreigners who unlawfully stayed in India. Therefore he committed an offence U/Sec.7 (2) of Foreigners Act which is punishable U/Sec.14 of the said Act. On the basis complaint given by PI of Hennur police station, the SHO of the said police station registered FIR against the petitioner and another for the above said offence.*

7. *Petitioner has produced his Aadhaar Card. A perusal of the same would show that, he is the permanent resident of Bengaluru. Petitioner is a senior citizen of aged about 73 years. The counsel for the petitioner submits that, petitioner is suffering from old age diseases. There is no criminal antecedents against the petitioner. The offence*

alleged against him are not punishable with death or imprisonment for life. The offence alleged is technical offence. A perusal of the complaint would show that, except alleging that, petitioner has not informed the jurisdictional police about giving his property on rent to the foreigners as contemplated U/Sec.7(2) of Foreigners Act, no serious allegation has been made against him. Having regard to the nature of allegation made in the complaint, the court is of the opinion that, the custodial interrogation of the petitioner is not required.

8. *Having regard to the nature of allegation made against the petitioner, the gravity of offence, the age and health condition of petitioner, I am of the view that, he can be released on bail by imposing reasonable conditions to safeguard the apprehensions raised by the learned public prosecutor. In view of my afore said findings, I answer the point for consideration in the Affirmative and pass the following:*

ORDER

The Petition filed by the Petitioner under Sec.438 of Cr.P.C., is allowed.

Petitioner is ordered to be released on bail in case of his arrest in connection with Cr.No.166/2020 of Hennur Police Station for the offences punishable U/Sec.7(2) & 14 of

Foreigners Act by taking bond in a sum of Rs.50,000/- with a surety of the like sum subject to the following:

CONDITIONS

- 1. The Petitioner shall not tamper or inter-meddle with the prosecution witnesses.*
- 2. He shall appear before the I.O within 15 days and execute bail bond.*
- 3. Further he shall appear before the Investigating Officer whenever called upon to appear by giving notice in writing well in advance fixing the date and time of appearance and co-operate with the investigating.*
- 4. He shall produce Aadhaar Card/Identity Card, residential proof, contact number of himself and his surety to the I.O while executing bail bond.*

[Dictated to the Stenographer, after computerization, corrected, signed and then pronounced by me in the open Court on this the 17th day of August 2020].

[MOHAMMED MUJEER ULLA C.G]
*C/C 1V Addl. City Civil & Sessions Judge,
Mayo hall, Bengaluru.*