

**IN THE COURT OF THE LVII ADDL. CITY CIVIL AND SESSIONS
JUDGE, AT MAYO HALL, BENGALURU
(CCH-58)**

Present:

**Smt. K.G. Shanthi B.com. LLM.
LVII Addl.City Civil & Sessions Judge,
Bengaluru**

Dated this the 18th day of November, 2020

Crl.Misc.No.25898/2020

Petitioners:-

- 1) Smt. Vasantha Surana
W/o Late Sumer Surana,
Aged about 62 years,
 - 2) Sri. Ajith Surana,
S/o Late Sumer Surana,
Aged about 35 years,
 - 3) Sri. Sagar Surana,
S/o Late Sumer Surana,
Aged about 30 years,
- Both are residing at
R/at No.82, Stephens Road,
Frazer Town, Bangalore - 560 005.

[By Sri..H. Manjunath, Advocate]

Respondent:-

State by Pulakeshi Nagar
Police Station,
Yelahanka New town,
Bengaluru City.

[By Public Prosecutor]

ORDER on Petition u/s 438 Cr.P.C.

The Petitioner has stated that the Pulakeshi Nagar Police registered the case and issued NCR No.132/2019 for the offence punishable U/s 420 IPC.

2. The brief facts of the case is that one Shobha Chandrashekar lodged the police complaint stating that since 1994 she used to purchase the gold and silver articles from M/s. Surana Jewellers situated at Wheelers Road, Frazer Town, Bangalore. Since, for her daughters marriage she invested her savings in the said jewellers that is on 06/04/2012, Rs.1,78,400/- and on 16/04/2013 -Rs,5,14,665/- + 1,17,000/- (Old Gold returned) and on 17/07/2013 i.e Rs,1,79,502/- in all total worth of Rs.24,65,314/- and also gave loan to Petitioner No.1 Rs.15,00,000/- in all total due of Rs.39,65,314/-. When she demanded the petitioners for gold and cash they are postponing the payment. Hence she lodged a complaint on 15/06/2019 before the respondent.

3. It is stated by the petitioners that they are falsely implicated by the complainant in this case and further stated that they have not committed any offence. But, the complainant having influence over the respondent and there is a chance of misuse the process of law. Then there is no material to show that the petitioners are guilty for the alleged offences. It is also stated that though the contents of the complaint is in civil in nature and barred by law of limitation, the complainant filed a false complaint against the petitioners.

4. It is stated that they are granted with anticipatory bail in Crl. Misc.No.25169/2020 and Crl.Misc.No.25160/2019 and the said order is issued for the limited period of 6 months. So after 6 months of time limit of anticipatory bail the respondent police trying to fix the petitioners and the complainant putting pressure through ACP Bharathi Nagar Sub-Zone Bharathi Nagar, Bangalore.

5. They have further stated that they are permanent resident of Bangalore and hails from respectable family. Further stated that they are not involved in any criminal case and prepared to furnish surety and ready to abide any of the conditions imposed by this court. Accordingly prays for grant of anticipatory bail.

6. The learned P.P filed his objections stating that the petitioners are not made out any grounds to show that the police are going to register the case against them which are non-bailable in nature. Further stated that no criminal case has been registered against the petitioners. If the petition is allowed they will misuse the order of the court. Hence prays for dismissal of the petition.

7. Arguments heard. Perused the records available before the court.

8. The points arose for my consideration are:

1. Whether the petitioners are entitled for anticipatory bail u/s 438 of Cr.P.C.?
2. What order?

9. My findings to the above points are under:

Point No.1: In the Affirmative

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

REASONS

10. According to the complainant she used to deposit the amount under M/s. Surana jewellers from time to time since 2012, in all she has deposited the Rs.39,65,314/-. She has stated that when she demanded the petitioners went on postponing in the payment of Gold. Hence she lodged a complaint. Based on the complaint the respondent police have issued NCR 132/2019.

11. The petitioners obtained an anticipatory bail in Crl.Misc.No.25169/2020 and Crl.Misc.No.25160/2020 which is for limited period of 6 months. According to the petitioners soon after expiry of 6 months, the complainant putting pressure on the police to take action against them, which caused apprehension of arrest. The complaint reflects that, complainant depositing the amount, but no details regarding payment to the petitioners. The petitioners are doing business. If the police arrested them it will spoil their reputation and causes humiliation.

12. The petitioners are the permanent residents of Bangalore and having deep roots in the society. So there is no chance of absconding. If anticipatory bail not granted the petitioner shall pull their days with all fear

of arrest by the police. They have no criminal antecedents. The apprehension of the prosecution can be met out by imposing conditions. Accordingly I am of the opinion that it is fit to grant the relief to the petitioners. Accordingly point No.1 answered in Affirmative.

13. **Point No.2**: On the above findings, I proceed to pass the following:

ORDER

The petition filed by the petitioners u/s 438 of the Cr.P.C. is hereby allowed with following conditions, with respect to the NCR No.132/2019 by Pulakeshi Nagar Police station Bangalore.

1. The petitioners shall appear before the investigation officer within 15 days from the date of this order.
2. petitioners shall execute personal bond for a sum of Rs.50,000/- and shall furnish one surety each to the likesum to the satisfaction of IO for his appearance.
3. The petitioners shall not directly or indirectly make any inducement, threat to any person acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the court or to any police officer.

4. Petitioners shall not leave the jurisdiction of the court without prior permission.
5. Petitioners shall appear before the IO whenever summoned for the purpose of investigation.

(Dictated to the Stenographer, on computer directly, typed by her, corrected and pronounced by me in the open court on this the 18th day of November, 2020)

(Smt.K.G.Shanthi)
LVII Addl. CC& SJ, Mayo Hall Unit,
Bengaluru.

Order pronounced in open court
(vide separate order)

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