

**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 22nd day of February, 2021

Crl.Misc.No.25223/2021

Petitioner:-

B.M.Rajagopal,
S/o Late Munivenkatappa,
Aged about 39 years,
R/a. 1, D.Venkataswamy layout,
Devasandra, K.R.Puram,
Bengaluru – 560 036

[By Sri.D.M.-Adv]

Vs.

Respondent:-

State By Mahadevapura Police
Station, Bengaluru.

[By Public Prosecutor]

ORDER

Petitioner has filed this bail petition under section-438 of Cr.P.C. praying for granting an order of anticipatory bail in respect of the offences punishable under sections 420, 379, 506 of Indian

Penal Code, in Crime No.295/2020 of the Respondent- Mahadevapura Police Station, Bengaluru.

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

Respondent Police have falsely implicated him in the case. He is totally innocent of the offences alleged against him. His name is not found in the FIR or FIS, but he has been falsely implicated in the charge sheet filed in the case. Offences are not punishable with imprisonment for life or death. He has valid and tenable defence. Respondent Police are now trying to arrest him. He is ready to offer solvent sureties and abide by any conditions and there are no overtacts attributed against him. He is the sole bread earning member of his family. 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.295/2020 for the offence punishable under sections 420, 379, 506 of Indian Penal Code against the Accused/Petitioner. Investigation is under progress, if the petitioner is granted an Order of Anticipatory Bail, he may abscond permanently and also commit similar offences and abscond from trial. Offences are 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, following points arise for determination:

1) Whether the Petitioner is entitled to an order of anticipatory bail as sought for?

2) What order?

6. My findings on the above points are under:

Point No.1 : In the **affirmative**

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

REASONS

7. Point No.1:- In the FIR registered in Crime No.295/2020 for the offences under sections 420, 379, 506 of the Indian Penal Code by the Respondent Police on the complaint of S.A.Puttaraju, it is alleged that, he had leased out his property bearing Nos.1, 2 and 3, BBMP Khatha No.309/1 & 2/68 in respect of which he was possessing CL-9 Licence to the Accused on monthly rent of Rs.1,00,000/- and had executed a Regd. Lease Deed on 29.12.2018. Accused had agreed to pay 50% of the Fee to be paid for renewed of the CL-9 licence. However, Accused failed to pay

the amount that had been agreed under the Agreement and also did not return property to the complainant. Complainant had signed some cheques and kept in the office. Accused stolen the said Cheques and also posed threat to the complainant and did not pay the amount due to the complainant. Thus, caused loss of about Rs.58 Lakhs to the Complainant including interest.

8. Accused claims that he is innocent and he has not committed any offence. He has produced certified copy of the FIR and also copy of the lease agreement dtd.29.12.2018 which is a registered document. He has further produced copy of the Partnership deed dtd. 20.11.2018. Perusal of the complaint allegations show that actually dispute is substantially civil in nature. Moreover, investigation requires to be done on the basis of the verification of the documents. Offences alleged are not

punishable with imprisonment for life or death. Also the offences are triable by the Court of Magistrate. I am of opinion that by imposing appropriate conditions, if an order of Anticipatory Bail is granted same will not cause any impediment to investigation or ensure appearance of the Petitioner for trial in the event of the petitioner being charge sheeted. Consequently, Point No.1 is answered in the **affirmative.**

9. Point No.2: In the result I proceed to pass the following:-

ORDER

Bail petition filed by Petitioner/
Accused under Sec.438 of the Cr.P.C **is**
hereby allowed, by granting an order of

anticipatory bail, subject to the following conditions:

1) Petitioner shall co-operate with the investigation and shall give attendance before the I.O on every alternative Sunday of the month between 10 a.m. and 1 p.m., for three months from today.

2) Petitioner shall not leave the jurisdiction of the court without prior permission.

3) Petitioner shall not commit similar offences or other offences.

4) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence.

5) Petitioner, in the event of his arrest in Crime No.295/2020 of the Respondent-Mahadevapura Police Station, shall be released on bail on obtaining his personal bond for Rs.50,000/- with one surety for like sum.

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(Dictated to the Stenographer, computerized by him then corrected and pronounced by me on this the **22nd day of February, 2021**)

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(D.S.Vijay Kumar)
XXVI ACC & SJ, Mayo Hall,
Bengaluru.

vk.

(Order pronounced vide separate order)

ORDER

Bail petition filed by Petitioner/ Accused under Sec.438 of the Cr.P.C **is hereby allowed**, by granting an order of anticipatory bail, subject to the following conditions:

1) Petitioner shall co-operate with the investigation and shall give attendance before the I.O on every alternative Sunday of the month between 10 a.m. and 1 p.m., for three months from today.

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(D.S.Vijaya Kumar)
XXVI ACC & SJ, Mayo Hall,
Bengaluru.

