

**IN THE COURT OF THE XXVIII ADDL. CITY CIVIL &
SESSIONS JUDGE
Mayo Hall, Bengaluru, [CCH.NO.29]**

Present: - Sri. Krishnaji Baburao Patil, B.Com.,LL.B.,(Spl.)

Dated: This the 16th day of December 2020

Crl.Misc.No.25980/2020

- Petitioners:**
1. Jayasheel.G,
@ Jayasheel Reddy,
Son of Sri. Gopal Reddy,
Aged 42 years,
Residing at No.5, 1st Cross,
Near new Baldwin School,
Venkataramaiah Layout,
Dodda Banaswadi,
Bengaluru-560 043.
 2. Smt. Sumitha.K,
Wife of Jayasheel Reddy,
Aged about 37 years,
Residing at No.5, 1st Cross,
Near new Baldwin School,
Venkataramaiah Layout,
Dodda Banaswadi,
Bengaluru-560 043.

(Pleader By : Sri. Prathap Yadav.R)

.. Vs ..

Respondent: The State of Karnataka by
Banawadi Police Station,
Bengaluru.

(By Public Prosecutor)

ORDER

The present Petition is filed by the Petitioners in this case under Section 438 of Cr.P.C., for anticipatory bail in connection with the complaint filed by one Surya Prakash Rao for the offences punishable under Sections 420, 504, 506 of IPC.

2. The case of the Prosecution is that, the Petitioner No.1 is the Proprietor of Benaka Land Developers situated at No.44, 2nd Floor, 10th Main, 100 Feet Road, Banaswadi, Bengaluru-560 043 and the Petitioner No.2 is the wife of the Petitioner No.1 and the Petitioner No.1 is the absolute owner of the DC Converted land situated at Kannuru Village, Kasaba Hobli, Hosakote Taluk, measuring 15 acres of land and formed a residential Layout in the year 2012-2013 in the said property. The Petitioner No.1 entered into an Exclusive Marketing Agreement dtd: 8.2.2013 with the M/s Gaga Properties represented by its Proprietor Mr.Gangalingeswara Reddy, for marketing the sites so formed in the layout by the Petitioner i.e., only 5 acres out

of the total 15 acres of layout was entered into between the M/s Ganga Properties and with the Petitioner No.1. The Complainant is also one of the customers of M/s Ganga Properties. It is stated that M/s Ganga Properties use to bring the Customers to the Layout and market the sites to the Customer and on sale of the said site the M/s Ganga Properties would take their agreed share as per the terms and conditions mentioned in the Agreement dtd: 8.2.2013. It is stated that M/s Ganga Properties would bring the customers to the layout and would take advance amount from the customers in the name of the Petitioner No.1 for the sale of Sites so formed in the layout and M/s Ganga Properties with malafide intention had never given the advance amount received by them from the customer. It is stated that the Complainant is one among the customer of M/s Ganga Properties and if though the Complainant had given any advance amount it might/may be given to M/s Ganga Properties and not to the Petitioner. But the Petitioner NO.1 had not received any single Rupees directly from the Complainant or with the other customers of M/s Ganga

Properties. After lapse of 7 to 8 years the Complainant, M/s Ganga Properties its Properties K. Gangalingeshwara Reddy and other customers of M/s Ganga Properties colluding with the Respondent Police is threatening to file a false complaint against the Petitioners and he is demanding huge sum of money from the Petitioners. It is stated that the Complainant has approached one Jayaraj Police Inspector of Banaswadi Police Station, Bengaluru and the said Inspector and his office bearers had personally called the Petitioners and threatened them to come forward to pay huge amount to the Complainant and others and if the Petitioner refuses for the same the ACP and his office threatened to lodge false complaint and to see the Petitioner behind the bars and also the Respondent Police as per the directions of the Inspector of Banaswadi Police have registered a false case in Crime No.467/2020 for the offences under Section 504, 506, 420 r/w Section 34 of IPC on the basis of the Complaint given by one of the Customer of M/s Ganga Properties by name M. Sudhakar.

3. The Petitioners have contended that they are

innocent of the alleged offences leveled against them and they have got valid and tenable defence in their favour. The entire case is civil in nature and the Petitioner No.2 is a lady and she is nowhere connected with the alleged crime. The petitioners are permanent resident of the address given in the cause title. The Petitioners undertake to co-operate with the investigating officer during the course of investigation. The Petitioners are ready to abide by any conditions that may be imposed by this Court and ready to furnish surety to the satisfaction of the Jurisdictional Magistrate. Hence, prayed for allow the Petition.

4. For the said application the PP has filed objections contending that the contents of the petition are false and baseless and denied in toto. The Respondent Police have registered case in Cr.No.467/2020 and Cr.No.150/2020 against the Petitioners for the offences under Sections 420, 504, 506 r/w Section 34 of IPC. The Complaint, FIR and other documents attached to the Complaint are part and parcel of the objection. The offences are non-bailable in nature. The Petitioners might tamper the prosecution evidence and win

over the witnesses if they are enlarged on bail. There is chance of their abscondance and committing similar offences. Hence, prayed to dismiss the Petitioner.

5. On the basis of the above, the point that arises for my consideration are:-

1) Whether the Petition deserves to be allowed?

2) What order?

6. My answer to the above points are :

Point No.1 : In the Affirmative.

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

REASONS

7. The offences alleged against the Petitioners are under Sections 420, 504, 506 r/w Section 34 of IPC. The offences alleged against the Petitioners are not punishable with death or imprisonment for life. Admittedly, the Petitioners and the Complainant are known to each other and the dispute is more of civil in nature. All the offences are triable by the Court of Magistrate. The Petitioner No.2 is

a lady. The Petitioners have contended that they are the permanent residents of the address mentioned in the cause title to the petition. The Petitioners are ready to abide by the conditions that may imposed by this Court. Though, any case is not registered against the Petitioner, the mere apprehension of filing the complaint against the Petitioners is sufficient to consider the bail petition for anticipatory bail. The apprehension of the Prosecution can be met with by imposing certain conditions. With these observations, I answer Point No.1 in the Affirmative.

8. **Point No.2**:- In the result, this Court proceeds to pass the following:-

ORDER

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

The Respondent Police are hereby directed to release the Petitioners on bail in the event of the case registered against the Petitioners under Section 420, 504, 506 of IPC on the complaint filed by Sri. Surya Prakash Rao, Customer of M/s Ganga Properties on execution of personal bond for

Rs.1,00,000/- each with one surety for the likesum on following conditions.

1) If the case is registered against the Petitioners, then they have to cooperative with the IO for investigation of the present case.

2) The Petitioners shall not tamper with the Prosecution witnesses in any manner.

3) The Petitioners shall produced Adhaar Card/Identity Card, contact number, residential address and occupation and also photos of the Petitioners and the sureties while executing bail bond.

4) The Petitioners shall appear before the Court on the dates of hearing if called for.

5) The Petitioners shall not leave the jurisdiction of this Court without prior permission.

6) The Petitioners shall not change their residence without prior permission of the Court.

[Dictated to the Stenographer, thereafter transcribed and typed by the Stenographer and the same was corrected, signed and then pronounced by me in the open Court on this the **16th day of December 2020**].

[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

Orders pronounced in open court
as under(vide separately):-

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[Krishnaji Baburao Patil],
XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

