

**IN THE COURT OF LVI ADDL CITY CIVIL AND  
SESSIONS JUDGE; BANGALORE CITY  
(CCH.No.57)**

**PRESENT**

**SRI.N.R.CHENNAKESHA B.A.,LL.B.,  
I/C LXV ADDL CITY CIVIL & SESSIONS JUDGE,  
BANGALORE**

**Dated this the 12<sup>th</sup> day of May, 2015**

**Crl.Misc.No.2669/2015**

**PETITIONER:-**

Manish Kumar Singh S/o Krishna  
Kumar Singh, Aged 33 years,  
Founder & CEO M/s 22 by 4  
consulting Pvt Ltd., No.6, 80 feet  
road, Koramanagala, Above Airtel  
Store, Bangalore.

(By Dr.Jagadish.S, Adv)

Vs.

**RESPONDENT:**

State by Koramangala Police  
Station, Bengaluru.

Reptd. By Public Prosecutor.

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This petition filed on behalf of petitioner, seeking anticipatory bail, in the event of his arrest by the respondent police, in connection with a criminal case, which would be registered against him, of the offences p/u/Sec.

354 and 420 of IPC, on the basis of complaint to be lodged by proposed complainant Ms.Snigdha Ralli, before respondent police.

2. Brief facts of the petition are as under:

Petitioner is the CEO of 22X4 Consulting Pvt Ltd., having its Regd. office at No.6, 80 feet road, Koramangala , above Airtel office, Bangalore. Proposed complainant Ms.Snigdha Ralli was appointed as 'Creative Content Writer' in the said company with effect from 7/10/2014 with a salary of Rs.35,000/0 P.M. subject to Rules &Employee Handbook and performance and salary will be paid as per work hours a particular employee would do par the given assignment. Salary is based on performance of employee of the company over a particular period under which employee has to complete his assignment and also must complete required hours i.e., 8 hours per day for the month i.e. 22 working days X 8 hours per day = 176 hours P.M.Proposed complainant did not perform as expected in the stipulated period of working hours and also found to be involved in

activities of unbecoming of employee of the company, for which reminders were issued. That apart, hours of working and performance of employee of the company is recorded Time Doctor. As per Time Doctor reports, complainant worked for very few hours in a day and never adhered to stipulated working hours. She was paid what she was deserved appropriately without making any discrimination along with other employees of company, since the performance of the proposed complainant was below par and clients started complaining about handling of their projects by her and hence petitioner advised her to do better. However, she has not shown interest in the work allotted to her and use to chat and exchange message on Face-book and other social media. This was objected by petitioner and asked her to concentrate on work. Despite several reminders, she did not show any improvement in her work and finally, petitioner had discussion with team consisting of Sandeep and Sateesh about her performance and it was decided to relieve her from the job. Accordingly petitioner sent E-mail to her on 11.3.2015 saying clearly

that she will be set free on 31.3.2015 and her salary will be settled by 15/5/2015, to which she has not responded. Hence, petitioner again sent one more E-mail on 13.3.2015 to finish her assigned work before 31.3.2015. She attended her work at the petitioner's company on 24/3/2015 and thereafter remained absent and she did not complete project works, which were assigned to her and as a result petitioner was put to lot of inconvenience and financial loss. She even did not bother to take relieving order from the company and even did not inform the petitioner that she is leaving the company and till 24/3/2015 she did not complain about any of the allegations, she made in the legal notice cum complaint dt.7.4.2015. Petitioner was surprised to receive legal notice dt 7.4.2015 from the complainant's counsel, alleging about non-payment of salary, cheating and outraging the modesty of woman and the copy of said legal notice was also sent to Commissioner of police and Koramangala PS with a request to conduct enquiry u/Sec.354 of IPC against petitioner. As against the said notice petitioner caused reply notice dt.22.4.2015

though his Advocate, denying the allegations made therein and also sent reply to Commissioner of police and Koramangala police. On 25.4.2015, petitioner received phone call from Head constable of Koramangala PS and asked petitioner to come to Koramangala PS, for enquiry in respect of allegations made in the complaint.

3. Based on the above facts, petitioner by setting out the grounds of petition, urge that he hails from respectable family and has founded a small company, which is still in its infant stage, has reason to worry about his future and also the future of his company due to the said false complaint and phone call by police demanding his presence in the PS for an enquiry in respect of said allegations. Petitioner apprehends that under the garb of mere enquiry police may arrest him as complaint is by woman, who falsely alleged offence u/Sec.354 of IPC as against him. Allegations made in the legal notice are false and imaginations of complainant with a ulterior motive to extract money and defame him and his company in the eyes of society and ruin his future.

That apart very complaint is a counterblast to her termination from the company. Complainant was paid salary on the basis of her performance as well as per hours basis, that too on the basis of rules of the company. Claim of proposed complainant that petitioner called her to his chamber in the office is false, as there is not chamber in the office. Office is functioning in open hall wherein other companies do function. Petitioner has no chamber in the office and it is a typical office re where various small companies operate their business in the open area with their respective usage area and to evidence the same petitioner has produced photos, showing the space of petitioner office, employees working and group photo of employees. Claim of complainant that she is entitled to balance of salary of Rs.1,30,000/- is false as the salary is paid not on the basis of hours present in the office, but hours worked and performance basis. Proposed complainant by using police to meet out her unlawful demand of salary balance. Complaint is lodged only to harass petitioner into a coercive settlement. She taking revenge by filing

complaint of the alleged offences u/Sec.354 and 420 of IPC. Petitioner is the permanent resident of Bangalore city. He is ready to abide by the conditions that might be imposed on him by this court, in the event of granting bail and is ready to offer surety. Hence, it is prayed to allow the petition.

4. Learned PP by filing statement of objections, contends that the petition is not maintainable either in law or on facts. Police have not registered any case against petitioner. Application is filed on imaginary grounds. Therefore, petition is not maintainable as contended that petitioner has not paid salary to proposed complainant in connection with work done by her in the company of petitioner. Petitioner without paid salary of Rs.1,30,000/- which is due to her. Therefore, she caused legal notice to the petitioner and copy of very notice has been sent to Commissioner of police, Bangalore as well as Kormangala PS. More so, no case has been registered against him of the offences p/u/Sec.354 and 420 of IPC. Apprehension of petitioner is only imaginary grounds. Therefore, petition in

not maintainable. If petitioner is granted with anticipatory bail, he may repeat similar act and may destroy the evidence and threaten prosecution witnesses. He has not made out any grounds for grant of anticipatory bail. As per report of PSI, Koramangala P.S., no case has been registered against petitioner. Therefore, on these grounds prosecution prays to reject the bail petition.

5. Heard arguments from both the sides. I have perused the available materials on record.

6. Now the point that arises for my consideration is:

***"Whether the petitioner is entitled for Anticipatory Bail, as prayed?"***

7. My findings on the above point is in '**Affirmative**' for the following :

### **REASONS**

8. Materials on record disclose that proposed complainant Ms.Snighda Ralli caused legal notice cum complaint to the petitioner and copy of the same dispatched to Commissioner of police and Koramanagala police and to



which, petitioner has also caused reply notice dt.22.4.2015 to her and its copy was also sent to Commissioner of police and Koramangala police. Hence, petitioner apprehends his arrest by the respondent police, in connection with the said complaint. Further on perusal of records, it disclose that so far no case is registered against petitioner. However, he apprehends his arrest by the respondent police, that they may register criminal case against him, at any moment on the basis of said legal notice cum complaint. Therefore, in such event respondent police may be directed by this court to release him on bail. Petitioner apprehends that if he is arrested and detained by the respondent police, he will be humiliated before the society. Admittedly, so far no case is registered against the petitioner, by the respondent police, of the offences p/u/Sec. 354 and 420 of IPC. During the course of argument learned counsel has filed the memo with copy of legal notice cum complaint lodged against petitioner. I have gone through the said legal notice cum complaint. Contention of petitioner goes to show that there exists dispute between him and proposed complainant

with regard to alleged arrears of salary of proposed complainant. Materials placed by the petitioner disclose that he reasonably apprehends his arrest by the respondent police in connection with the criminal case which would be registered against him, on the basis of complaint which would be lodged by proposed complainant Ms.Snigdha Ralli, of the offences p/u/Sec. 354 and 420 of IPC. It is relevant to note that filing FIR is not a condition precedent, to grant anticipatory bail. However, if petitioner reasonably apprehends his arrest by the police, which itself sufficient to exercise the powers u/sec.438 of Cr.P.C, by the Court. It is relevant to note that petitioner also undertakes that he will abide by the conditions that might be imposed by this court, in the event of granting anticipatory bail and he also come forward to offer surety. Added to this, he is the permanent resident of Bangalore. In the above circumstances, certainly he is entitled to get an order, as prayed. For the foregoing reasons, I answer the above point in the "**Affirmative**" and proceed to pass the following:

**ORDER**

Bail petition under Sec.438 Cr.P.C., filed on behalf of petitioner, is allowed, subject to following conditions:

1. Petitioner shall be released on bail in the event of his arrest by the respondent police, in connection with the criminal case that would be registered against the petitioner, on the basis of complaint to be lodged by proposed complainant Ms.Snigdha Ralli, of the offences p/u/Sec. 354 and 420 of IPC, on executing his personal bond for Rs.50,000/- with like sum surety.
2. Petitioner shall make himself available before the IO, whenever called for investigation purpose.
3. Petitioner shall not indulge in any offences.
4. Petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer.

(Directly dictated to the Stenographer on computer, corrected and then pronounced by me in the Open Court on this 12<sup>th</sup> day of May, 2015)

I/C (**N.R.CHENNAKESHA**)  
**LXV Addl.City Civil and Sessions Judge,**  
**BANGALORE.**

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**Order pronounced in the open court, vide separately**

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**I/C (N.R.CHENNAKESHA)**  
**LXV Addl.City Civil and Sessions Judge,**  
**BANGALORE**

