

**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 13th day of August, 2021.

Crl.Misc.No.25881/2021

Petitioner:- Narendra Gamede,
S/o Gamede Veera Raghavalu,
Aged about 42 years, Resident of
No.40, 'Ashirwad', 1st Floor, 1st 'A'
Main, 1st Cross, Near Deepak Clinic,
Vinayaka Nagara, Old Airport Road,
Vimanapura, Bengaluru – 560 017

[By Sri.N.C.N.K.-Advocate].

Vs.

Respondent:- The State of Karnataka,
By Krishnarajapuram Police Station ,
Bengaluru

[By Public Prosecutor]

ORDER

The petitioner has filed this petition under
section 438 of the Cr.P.C. praying for granting an

order of anticipatory bail in respect of the offences alleged under sections 420, 504 and 506 of the Indian Penal Code.

2. Brief facts of the petition are as under:

On the basis of the complaint filed by one Raju.M., Respondent Police have registered the case in crime No.437/2020 for the offences punishable under sections 420, 504, 506 of the Indian Penal Code against the petitioner. He is innocent of the alleged offences. He undertakes to abide by any conditions that may be imposed by the court. Hence, on these grounds he has prayed to for granting an order of Anticipatory bail.

3. Objection filed by the prosecution to the petition is as under:

Based on the complaint of the Complainant, Respondent Police have registered a case in Crime No.437/2020 for the offences punishable under sections 420, 504 and 506 of the Indian Penal Code, against the accused/petitioner. As could be seen from the complaint, the accused person has cheated the complainant. If the petitioner is released on bail, there is likely hood of petitioner tampering with the evidence and threatening the witnesses and he may abscond from trial and cause obstruction to the court proceedings. He may commit similar offences and the alleged offences are cognizable and non bailable in nature. Therefore, the petitioner is not entitled to an order of anticipatory bail as sought for and prayed to dismiss the bail petition of the petitioner.

4. Heard arguments.

5. In the circumstances, following points arise for determination are:

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 First Information Report No.437/2020 dated 16.12.2020 registered for the offences punishable under sections-402, 504 and 506 of the Indian Penal Code, on the complaint of one Raju.M., petitioner is named as sole Accused. As per the allegations, informant is doing construction work

and through his friend Arjun the Accused was introduced to the informant. Accused/petitioner induced the complainant to purchase his flat, which was refused by him. By making him to believe and induced the informant to get more interest on monthly basis on his money, informant paid a sum of Rs.36,00,000/- to the Accused/Petitioner during November 2020. But, even after receiving the said amount, the Accused has failed to pay either interest or return the principal amount. When demanded by the informant through his above friend, on 6.8.2020 Accused given an undertaking in writing on a stamp paper that he will pay Rs.42,48,000/- to the informant and also handed over two cheques and promised him that within a month his amount will be settled. Though the Accused promised to settle his amount within a month, he has not repaid the amount and

when the informant called him often and often, but on 16.12.2020 the Accused/petitioner abused the informant in filthy language and also caused life threat. Thus, it is alleged that Accused/petitioner has committed the above offences and prayed for legal action. Based on which the Respondent Police have registered the above case against the Petitioner who is the sole accused under sections 420, 504 and 506 of the Indian Penal Code.

8. I have perused the records and considered arguments.

9. Perusal of the FIR allegations show actually informant has given the amount to the Accused and on demand, Accused has given an undertaking on the stamp paper and also handed over two cheques to the informant promising him to settle the amount

within a month. In that connection, it is stated that Accused has not yet returned the amount as promised, but when called him he has abused him in filthy language and caused life threat. FIR allegations do not show any specific material against petitioner/Accused except for alleging that he caused life threat to him and abused in filthy language. Even the details of filthy language is not mentioned. Whether petitioner had intention of cheating at the time, allegedly informant was made to part with Rs.36.00 lakhs is a matter to be decided at trial. At this stage, I am of opinion that the Offences are not punishable with imprisonment for life or death and they are triable by the court of Magistrate.

10. Considering the above said entire allegations made in the FIR, and contention of the

petitioner, I am of opinion that by imposing stringent conditions to secure presence of petitioner for trial in the case if he is charge sheeted and also he extends cooperation for investigation, he may be granted an order of Anticipatory bail. Consequently, Point No.1 is answered in the **affirmative**.

11. Point No.2: On the above findings, I proceed to pass the following:-

ORDER

Petition filed by Petitioner 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 2 p.m. till the filing of Final Report/Charge sheet.

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

3) Petitioner shall not threaten the prosecution witnesses or tamper with the prosecution evidence and shall cooperate in investigation.

4) Petitioner shall furnish proof of his residential address and shall inform the court if there is any change in the address.

5) Petitioner, in the event of his arrest in Crime No.437/2020 of K.R.Puram Police station shall be released on bail on obtaining his personal bond for Rs.1,00,000/- with one surety for like sum.

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(Dictated to the Stenographer, transcribed by him, then corrected and pronounced by me on this the **13th day of August, 2021**)

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(D.Vijaya Kumar)

XXVI Addl.CC & SJ, M.H.Unit,
Bengaluru.

(Order pronounced in open court
vide separate order)

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**(D.S.Vijaya Kumar),
XXVI ACC & S J, Bengaluru**

