

**IN THE COURT OF THE IV ADDL. CITY CIVIL AND SESSIONS
JUDGE MAYOHALL UNIT, BENGALURU (CCH-21)**

Dated: This the 10th day of August 2020

PRESENT:

SRI. MOHAMMED MUJEER ULLA C.G. B.A. LL.B.,
IV Addl. City Civil and Sessions Judge, Bengaluru
(CONCURRENT CHARGE)

CRL.MISC. NO. 25475/2020

PETITIONER:	ATHIQUE UR REHMAN <i>S/o. Abdul Rehman Khan</i> <i>Aged about 34 years</i> <i>R/at: No.1394, 80 feet main road</i> <i>HBR Layout, Kalyan Nagar</i> <i>Bengaluru - 560 043.</i> <i>Also at: No.782, 9th Main</i> <i>HBR Layout 3rd Block</i> <i>Bengaluru - 560 045.</i> <u>O/AT:</u> <i>Supreme Cars Premium</i> <i>2nd Block, 1st Stage</i> <i>HBR Layout</i> <i>Bengaluru - 560 045.</i>
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.. Vs ..

RESPONDENT:	STATE BY ASHOKNAGAR POLICE STATION
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ORDERS ON BAIL APPLICATION

*The Petitioner has filed the instant petition U/Sec.438 of Cr.P.C.,
for grant of anticipatory bail.*

2. *The learned Public Prosecutor has filed objections.*

3. *Heard arguments on both side and perused record.*

4. *The point for consideration is:*

“Whether the Petitioner is entitled for anticipatory bail?”

5. *My findings on the above point is in the **AFFIRMATIVE** for the following:*

REASONS

6. *A perusal of record would show that, on the basis of complaint given by the Manager of Mobility Private Limited, the SHO of Ashoknagar Police Station registered FIR in Cr.No.152/2020 for the offence punishable U/Sec.420 of IPC. The sum of substance of the complainant's case is that, one Syed Naifulla Hussaini (Accused) is running Raefsdride Pvt Ltd., company in Hyderabad. He has taken 75 cars and 2 bikes from the complainant company on rent. He paid the rents up to February 2020. Since March 2020 he did not pay the rents. In the complaint it is stated that, inspite of repeated demands, the Accused neither paid the rents nor returned the cars and bikes. In the complaint it is stated that, the Accused has sub-leased vehicles taken on lease from complainant company to others*

and earning income, but not paying rents to the complainant. Therefore the Accused has committed an offence punishable U/Sec.420 of IPC.

7. *The learned public prosecutor has filed objection contending that, the investigating officer has issued notice to the petitioner for enquiry in connection with the Crime 152/2020. The investigation is at the preliminary stage. The offence punishable u/s 420 of IPC upto 7 years. If the petitioner is released on bail, he will tamper the prosecution witnesses and abscond. On these and other grounds, the learned public prosecutor prays to dismiss the instant petition.*

8. *As I have already stated, the complaint is against one Hussaini, the concerned of Raefsdride India Pvt Ltd. That, he has taken the vehicles on lease from the complainant company on 22.04.2019, he paid rents up to January 2020 and since February 2020 he did not pay the rents. The counsel for the petitioner filed Memo stating that, the petitioner has no transaction of any kind either with complainant company or with accused company. The counsel for the petitioner further submits that, Accused Hussaini whose name is mentioned in the FIR has already obtained anticipatory bail in Crl.Misc No.25397/2020. The offence punishable U/Sec.420 of IPC is not punishable with death or*

imprisonment for life. Admittedly the name of the petitioner is not mentioned in the FIR. Petitioner has produced the photocopies of his Aadhaar & PAN Cards. A perusal of the same would show that, he is the resident of Bengaluru.

9. *Having regard to the fact that, the name of the petitioner is not mentioned in the FIR and the Accused whose name is mentioned in the FIR has already obtained anticipatory bail, I am of the view that, anticipatory bail can be granted in favor of the petitioner by imposing reasonable conditions to safeguard the apprehensions raised by the learned public prosecutor. In view of my afore said findings, I answer the point for consideration in the **AFFIRMATIVE** and pass the following:*

ORDER

*The Petition filed by the Petitioner U/Sec.438
of Cr.P.C., is allowed.*

*Petitioner is ordered to be released on bail in
case of his arrest in connection with
Cr.No.152/2020 of Ashoknagar Police Station for
the offence punishable U/Sec.420 of IPC, by taking
personal bond in a sum of Rs.50,000/- subject to the
following:*

CONDITIONS

1. *The Petitioner shall appear before the Investigating officer within a week from the date of this order and to co-operate with the investigation/enquiry.*
2. *He shall further appear before the Investigating Officer whenever called upon to appear by giving notice in writing well in advance fixing the date and time of appearance and co-operate with the investigating/enquiry.*
3. *He shall not tamper or inter-meddle with the prosecution witnesses.*
4. *He shall produce his Aadhaar Card/Identity Card, contact number and recent photo to the IO/SHO.*

[Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open Court on this the 10th day of August 2020].

[MOHAMMED MUJEER ULLA C.G]

*C/C IV Addl. City Civil Judge
Mayo hall, Bengaluru (CCH 21)*