

KAMS010081102024



**IN THE COURT OF THE III ADDL SESSIONS JUDGE,
MYSURU**

Present: Smt.K.Bhagya, B.COM., LL.B.,

Dated this the 12th day of December 2024

Crl.Misc./1944/2024

PETITIONER:

Adharsh S/o K.N.Shivaramaiah, Aged
about 32 years, R/at # 655/267,
Bannuru Main Road, Yaraganahalli,
Mysore.

(By Sri.S.B.Pandupujari, Adv.,)

V/S

RESPONDENTS:

1. State by Mysore South Police reptd. By
Public Prosecutor, Mysuru District,
Mysuru.
2. Ramaswami S/o Puttabasavaiah, Aged
about 59 years, R/at Dhangalli Village,
Jayapura Hobli, Mysore Taluk & District.

(R1 By the Public Prosecutor)

ORDER

This petition is filed by the petitioner U/s 482 of BNSS
(U/s 438 of Cr.P.C), praying this Court to release him on

bail in Cr.No.298/2024 registered by the respondent police for the offences punishable U/s 406, 420, 465, 504, 506 of IPC on the file of XI Addl Civil Judge and JMFC, Mysore.

2. The facts of the complaint narrated in the petition is as under:

ಪಿರ್ಯಾದುದಾರರ ದೂರಿನ ಸಾರಾಂಶವೇನೆಂದರೆ: ಪಿರ್ಯಾದಿಯ ಮಗನಾದ ದೀಕ್ಷಿತ್.ಆರ್ ಹಾಗೂ ಆರೋಪಿ ಇಬ್ಬರೂ ಮೈಸೂರು ಮೇಗಾ ಡೈರಿಯಲ್ಲಿ ಗುತ್ತಿಗೆ ಆಧಾರದ ಮೇಲೆ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದು, ಆರೋಪಿಯು ಪಿರ್ಯಾದಿಯ ಮಗನೊಂದಿಗೆ ಸ್ನೇಹ ಬೆಳೆಸಿಕೊಂಡು, ಪಿರ್ಯಾದಿಯ ಮಗನಿಗೆ ಮಂಡ್ಯ ಜಿಲ್ಲಾ ಸಹಕಾರ ಹಾಲು ಉತ್ಪಾದಕರ ಸಂಘಗಳ ಒಕ್ಕೂಟ ನಿಯಮಿತ, ಮಂಡ್ಯ ಜಿಲ್ಲೆಯ ಡೈರಿಯಲ್ಲಿ ವಿಸ್ತಾರಣಾಧಿಕಾರಿ ದರ್ಜೆ-3 ರ ಕೆಲಸ ಕೊಡಿಸುತ್ತೇನೆಂದು ನಂಬಿಸಿ, ಪಿರ್ಯಾದಿಯವರಿಂದ ಹಂತ ಹಂತವಾಗಿ ಒಟ್ಟು ರೂ.11,50,000/- ಗಳನ್ನು ನಗದಾಗಿ ಪಡೆದುಕೊಂಡಿರತ್ತಾನೆ. ನಂತರ ಪಿರ್ಯಾದಿಯು ಕೆಲಸವನ್ನು ಬೇಗನೆ ಕೊಡಿಸಲು ಒತ್ತಾಯ ಮಾಡಿದಾಗ, ಆರೋಪಿಯು ಇಲ್ಲಸಲ್ಲದ ಸಬೂಬು ಹೇಳಿಕೊಂಡು ಸುಮಾರು 7 ತಿಂಗಳು ಕಳೆದ ನಂತರ ದಿ: 13/03/2023 ರಂದು ಆರೋಪಿಯು ಪಿರ್ಯಾದಿಯ ವಾಟ್ಸ್ ಆಪ್ ಮೊಬೈಲ್ ನಂಬರಿಗೆ, ಮಂಡ್ಯ ಜಿಲ್ಲಾ ಸಹಕಾರ ಹಾಲು ಉತ್ಪಾದಕರ ಸಂಘಗಳ ಒಕ್ಕೂಟ ನಿಯಮಿತ ಹಾಲು ಉತ್ಪನ್ನ ಘಟಕ, ಗೆಜ್ಜಲಗೆರೆ, ಮದ್ದೂರು ತಾಲ್ಲೂಕು, ಮಂಡ್ಯ ಜಿಲ್ಲೆಯ ನೇಮಕಾತಿ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಕಳುಹಿಸಿ, ದಿ: 21/03/2023 ರಂದು ಬಾಕಿ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡು ಆದೇಶದ ಮೂಲ ಪ್ರತಿ ನೊಂದಾಯಿತ ಪೋಸ್ಟ್ ಮೂಲಕ ನಿಮ್ಮ ಮನೆಗೆ ಬರುತ್ತದೆ ಎಂದು ಹೇಳಿರುತ್ತಾರೆ. ನಂತರ ಪಿರ್ಯಾದಿಯು ಸದರಿ ಆದೇಶದ ಪತ್ರವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಲ್ಲಿ ಕೆಲಸದ ನೇಮಕಾತಿಯ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ, ಸದರಿ ಆದೇಶ ಪತ್ರವು ನಕಲಿ ಎಂದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ನಂತರ ಈ ಬಗ್ಗೆ ಆರೋಪಿಯನ್ನು ವಿಚಾರಿಸಿ, ಹಣವನ್ನು ಬಡ್ಡಿ ಸಮೇತ ಹಿಂದಿರುಗಿಸುವಂತೆ ಹೇಳಿದರೂ ಹಿಂದಿರುಗಿಸದ ಕಾರಣ, ದಿ: 14/02/2024

ರಂದು ಮೈಸೂರು ದಕ್ಷಿಣ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ದೂರು ನೀಡಿದಾಗ ತಾಣಾಧಿಕಾರಿಗಳು ಆರೋಪಿಯನ್ನು ಕರೆಸಿ ವಿಚಾರಣೆ ಮಾಡಿದಾಗ, ಆರೋಪಿಯು ಪರ್ಯಾಯದಿಂದ ರೂ.11,50,00/- ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತೇನೆಂದು ಒಪ್ಪಿಕೊಂಡು ಹೇಳಿಕೆ ನೀಡಿರುತ್ತಾರೆ. ನಂತರ ಮಾತುಕತೆ ಮೂಲಕ ರೂ.11,00,000/- ಹಣವನ್ನು ಕೊಡಲು ಒಪ್ಪಿರುತ್ತಾನೆ ಹಾಗೂ ಈ ಸಂಬಂಧ ಯಾವುದೇ ಕ್ರಿಮಿನಲ್ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸಬೇಡಿ ಹಣವನ್ನು ವಾಪಸ್ಸು ಕೊಡುತ್ತೇನೆಂದು ಕೇಳಿಕೊಂಡ ಕಾರಣ, ದೂರನ್ನು ರಾಜಿ ಮಾಡಿಕೊಂಡು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಂಡಿರುತ್ತಾರೆ. ನಂತರ ಆರೋಪಿಯು ಮೈಸೂರು ಎಸ್.ಲೇಔಟ್ ಬ್ರಾಂಚ್ ನ ಕಾರ್ಪೊರೇಷನ್ ಬ್ಯಾಂಕಿಗೆ ಸೇರಿದ 3 ಪೋಸ್ಟ್ ಡೇಟೆಡ್ ಚೆಕ್‌ಗಳನ್ನು ಪರ್ಯಾಯಿ ಹೆಸರಿಗೆ ನೀಡಿರುತ್ತಾರೆ. ನಂತರ ಪರ್ಯಾಯಿಯ ಸದರಿ ಚೆಕ್‌ಗಳನ್ನು ಬ್ಯಾಂಕಿಗೆ ಹಾಜರ್ಪಡಿಸಿದಾಗ, ಸದರಿ ಚೆಕ್‌ಗಳು ದಿ: 19/03/2024 ರಂದು "ಇತರೆ ಕಾರಣಗಳು-88" ಎಂಬ ಹಿಂಬರಹದಲ್ಲಿ ವಾಪಸ್ಸು ಬಂದಿರುತ್ತದೆ. ಸದರಿ ವಿಷಯವನ್ನು ಆರೋಪಿಗೆ ತಿಳಿಸಿದಾಗ, ಆರೋಪಿಯು ಸದರಿ ಚೆಕ್‌ಗಳನ್ನು ಒಂದು ತಿಂಗಳ ನಂತರ ಬ್ಯಾಂಕಿಗೆ ಹಾಜರ್ಪಡಿಸುವಂತೆ ಹೇಳಿದ್ದು, ನಂತರ ದಿ: 29/04/2024 ರಂದು ಪರ್ಯಾಯಿಯು ಸದರಿ ಚೆಕ್‌ಗಳನ್ನು ನಗದೀಕರಿಸಲು ಹಾಜರ್ಪಡಿಸಿದಾಗ, ಸದರಿ ಚೆಕ್‌ಗಳು ಹೆಳೆಯ ಚೆಕ್‌ಗಳೆಂದು ಬ್ಯಾಂಕಿನ ಹಿಂಬರಹದಲ್ಲಿ "ಈ ಕೆಳಗಿನ ಚೆಕ್‌ಗಳನ್ನು ನಿಮಿತ್ತ ನಗದಿಗಾಗಿ ಠೇವಣಿ ಇಡಲಾಗಿತ್ತು ಸದರಿ ಚೆಕ್‌ಗಳು ಕಾರ್ಪೊರೇಷನ್ ಬ್ಯಾಂಕ್ ವಿಲೀನಗೊಂಡ ಕಾರಣ ತಿರಸ್ಕರಿಸಲಾಗಿದೆ" ಎಂಬ ಹಿಂಬರಹದೊಂದಿಗೆ ವಾಪಸ್ಸು ಬಂದಿರುತ್ತದೆ. ನಂತರ ವಿಷಯವನ್ನು ಆರೋಪಿಗೆ ತಿಳಿಸಿ ಹಣವನ್ನು ನಗದಿನ ರೂಪದಲ್ಲಿ ಹಿಂತಿರುಗಿಸುವಂತೆ ಕೇಳಿಕೊಂಡಾಗ, ಆರೋಪಿಯು ಪರ್ಯಾಯಿಯನ್ನು ಬೈದು ಕೊಲೆ ಬೆದರಿಕೆ ಹಾಕಿರುತ್ತಾರೆ, ಎಂದು ದೂರು ನೀಡಿದ ಮೇರೆಗೆ.

3. The grounds for bail are as under:

(i) The petitioner has not at all committed any offence as alleged by the respondent police. A false

case has been registered against him. He is innocent and law abiding citizen.

(ii) He is the permanent resident of Mysore and having movable and immovable properties.

(iii) There is no prima-facie case against him. The alleged offences are not punishable with life imprisonment or death and triable by the Court of Magistrate only.

(iv) The petitioner has undertaken to abide by the terms and conditions that may be imposed on him by this Court and are ready to furnish surety for the satisfaction of this Court. Hence, prayed for grant of bail.

4. The Prosecution has filed objections to this petition by reiterating the complaint averments and contended that on perusal of the case papers it reveal that the petitioner has committed the alleged offences. There is a prima-facie case against this petitioner. The IO went to the spot and drew mahazar. The investigation is under progress. The petitioner has been absconding. The IO has to arrest the petitioner and has to record his voluntary statement. IO has to collect some documents in connection with this case. The IO has to record the statement of eye witness and circumstantial witnesses. At this stage, if the petitioner is released on bail, he may

abscond and may commit similar offence in future and may tamper the witnesses and thereby hamper the investigation. Hence, prayed to reject the petition.

5. Perused the case papers and heard both the side.

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

“Whether the petitioner is entitled to be released on anticipatory bail?”

7. The answer to the above point is in the **Negative** for the following:-

REASONS

8. I have gone through the case papers before me. As per the complaint lodged by the complainant a case has been registered against this petitioner for the offences punishable U/s 406, 420, 465, 504, 506 of IPC. Here, the complainant is one Sri.Ramaswamy.P S/o Puttabasavaiah. He has filed a private complaint against the accused/petitioner by name Adarsh.K.S S/o K.N.Shivaramaiah. The gist of the allegations made in the complaint is that the son of complainant and this petitioner were working in Mega Dairy on contract basis. During the said time, this petitioner/accused informed to the son of complainant that he would get him a job in Mandya District Co-operative Milk Producers Union of Societies Ltd, Mandya District, as his father was the

President of the said Union and as he knew MLA, MP and the Managing Director of the said Union. The son of the complainant believed his words. The petitioner/accused collected on 09/09/2022 Rs.4,00,000/-, on 20/09/2022 Rs.2,00,000/-, on 23/01/2023 Rs.2,00,000/-, on 06/02/2023 Rs.2,00,000/-, on 21/09/2023 Rs.1,50,000/-. In total the petitioner/accused collected/received Rs.11,50,000/- from the complainant. Later the petitioner has not intimated anything about the job. When the complainant and his son pressurized him, he had sent a created order through whatsapp and informed that they would received the hard copy. When, they enquired at the above Mandya District Co-operative Milk Producers Union of Societies Ltd, Mandya District, they have informed that they have not appointed anybody in their office and not collected any amount and not issued any order to anybody. Then, the complainant and his son came to know that they were cheated by the accused/petitioner. When they demanded the amount with interest, he had issued 3 cheques. When they presented the said cheques for encashment, they were returned for 2 times as "ಇತರೆ ಕಾರಣಗಳು-88" and "ಈ ಕೆಳಗಿನ ಚೆಕ್ಯುಗಳನ್ನು ನಿಮಿತ್ತ ನಗದಿಗಾಗಿ ಠೇವಣಿ ಇಡಲಾಗಿತ್ತು ಸದರಿ ಚೆಕ್ಯುಗಳು ಕಾರ್ಪೊರೇಷನ್ ಬ್ಯಾಂಕ್ ವಿಲೀನಗೊಂಡ ಕಾರಣ ತಿರಸ್ಕರಿಸಲಾಗಿದೆ". When, the complainant and his son demanded for the amount with interest in cash, the accused abused them and threatened to kill him. Thus,

the complainant Sri.Ramaswamy.P filed PCR.No.1438/2024.

9. On the basis of the said complaint the Mysuru South Police registered case against this petitioner/accused for the offences punishable U/s 406, 420, 465, 504, 506 of IPC in their Cr.No.298/2024. So, the petitioner has come up with this petition.

10. As rightly argued by the learned Public Prosecutor, definitely there is a prima-facie case against this petitioner. The offence punishable U/s 420 of IPC is punishable with imprisonment for 7 years with fine, though triable by the Court of Magistrate. This petitioner might have cheated other also. That would be revealed during the investigation. The investigation yet to be started in this case. At this juncture if this petitioner will be released, definitely he would abscond and he may not co-operate IO for investigation. Further, he may tamper the witnesses also. So, by agreeing with the argument canvased by learned Public Prosecutor and also by agreeing with the objections raised by her, this Court is of the view that the petitioner has not at all made out grounds to allow the petition. Hence, I answer Point No.1 in the **Negative**.

11. In the result, this Court proceeds to pass the following:-

ORDER

The petition filed by the petitioner Us 482 of
BNSS (U/s 438 of Cr.P.C), is dismissed.

(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the open court on this the **12th day of December 2024**).

[K.Bhagya],
III Addl. District & Sessions Judge,
Mysuru.

(Orders pronounced in the open court vide
separate orders)

ORDER

The petition filed by the petitioner Us 482
of BNSS (U/s 438 of Cr.P.C), is dismissed.

III AD & SJ, Mysuru.