

**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 29th day of March 2021

Crl.Misc.No.25371/2021

Petitioner: Mrs. Sujana Nemali,
D/o Late N.P. Murthy,
Aged about 46 years,
Credit Manager,
Deutsche Bank A.G,
Raheja Towers,
No.26/27 M.G.Road,
Bangalore-560001.

(By pleader : Sri. M.G.C & Co., advocates)

V/s

Respondent: State by;
Ashok Nagar Station
Bengaluru.

(By Public Prosecutor)

ORDERS

The present Petition is filed by the Petitioner in this case under Section 438 of Cr.P.C., for anticipatory bail in the event of her arrest in Cr.No.266/2019 (PCR

No.54043/2019) for the offences punishable under Section 419, 420, 465, 468 r/w Section 34 of IPC.

2. According to the Petitioner, the Complainant has filed private complaint on the file of XLIII ACMM, Bangalore in PCR No.54043/2019, alleging that the Accused No.1 being the Relationship Manager of Deutsche Bank A.G had issued Notice under the provisions of Secularization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, with respect to the property for which the 1st Informant is the absolute owner demanding the loan amount outstanding in the account of M/s Shaheed Poultry Processing. In this case, the 1st Informant 2nd M/s Shaheed Poultry Processing represented by its Proprietor Mr. Mohammed Shaheedulla had availed loan from HDB Financial Services and the 1st Informant had offered the property as security. Later the same was discharged on 16.11.2015. Whereas it is further stated that the 3rd accused Mr. Mohammed Shaheedulla further availed loan from Bajaj Finance Ltd., as a GPA Holder of the 1st Informant had mortgaged the very same property.

The 1st Informant contended that he was out of India and go Maldives and did not ever execute the General Power of Attorney in favour of his brother. Mr. Mohammed Shaheedulla by making use of the forged and created Power of Attorney Mr. Mohammed Shaheedulla had mortgaged the property in question in favour of M/s Bajaj Finance Ltd., on 19.1.2016. The 2nd Respondent further contended that he is not aware about the 3rd accused Mr. Mohammed Shaheedulla availing loan from M/s Deutsche Bank A.G and mortgaging the said property in favour of the said Bank, during his lifetime. At no point of time the 1st Informant had mortgaged the property in question in favour of the said Deutsche Bank A.C., and hence alleged that his brother who is deceased now colluded with the Bank Officials and availed the loan by mortgaging the property without his knowledge.

3. It is submitted that basing on the complaint the Hon'ble XLIII ACMM was pleased to refer the matter to the 1st Respondent for investigation and police have filed case in Cr.No.266/2019 for the offences punishable under

Section 419, 420, 465, 468 r/w 34 of IPC against the Accused No.1, Deutsche Bank A.G and deceased Mohammed Shaheedulla. During the interrogation of one of the witnesses i.e., Mr. Ayaz Ahmed , he had disclosed the role of the Petitioner who is working as Credit Manager with Deutsche Bank A.G in disbursing the loan amount to the Borrowers. Therefore, the Respondent Police have issued notice to the Petitioner to appear before them for investigation. Hence, the complaint.

4. The Petitioner has contended that she is innocent of the alleged offences and he has been falsely implicated in the above case. The Petitioner never committed or involved in the alleged crime either directly or indirectly. The Petitioner hails from respectable family and she is permanent resident of the address cited in the cause title of the petition. The Petitioner is ready to abide by the conditions imposed by this Court and ready to co-operate with the IO for investigation. She will undertake not to tamper with the prosecution witnesses. Hence, prayed to allow the Petition.

5. For the said Petition the Learned PP has filed objections in detail denying the contents of the Petition specifically as baseless and contended that the offences alleged against the Petitioners are under Section 419, 420, 465, 468 r/w Section 34 of IPC. The contents of the FIR and other documents are treated as part and parcel of the objection. In this case, the investigation is still at primary stage. The Petitioner might tamper with the prosecution witnesses which would affect the trial of the case. If the Petitioner enlarged on bail she might be abscond and commit similar offences. Hence, prayed to dismiss the application.

6. 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?

7. 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

8. The present petition is filed by the Petitioner under Section 438 of Cr.P.C. The offences alleged against the Petitioner are under Section 419, 420, 465, 468 r/w Section 34 of IPC. The offences alleged against the Petitioner are not exclusively punishable with death or imprisonment for life. In the present case, the name of the Petitioner is not mentioned in the FIR or the Complaint. Mere apprehension in the mind of the Petitioner is sufficient to grant bail in the present case. Apart from that, the Petitioner has produced the Police Notice dtd:4.3.2021 issued by the Respondent Police in connection with the said crime. The Petitioner has contended that she is the permanent resident of the address given in the cause title to the petition. The Petitioner is ready to abide by the conditions that may be

imposed by this Court. The Petitioner is ready to furnish surety to the satisfaction of the Respondent Police in the event of her arrest. All these facts have not been denied by the Prosecution in its objection. Considering the facts and circumstances of the present case, this Court is of the view that the custodial enquiry of this Petitioner is not necessary. Under these circumstances, the Petitioner is entitled for anticipatory bail as prayed for in the present petition. The apprehension of the prosecution can be met with by imposing certain conditions. Hence, I answer Point No.1 in the Affirmative.

9. **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 Petitioner Mrs. Sujana Nemali D/o Late N.P. Murthy the event of her arrest in Cr.No.266/2019 (PCR No.54043/2019) of Ashok Nagar Police Station for the

offences punishable under Section 419, 420, 465, 468 r/w Section 34 of IPC, on execution of personal bond for a sum of Rs.1,00,000/- with one surety for likesum to the satisfaction of Respondent Police subject to following conditions:-

1) The Petitioner shall appear before the IO as and when called for and co-operate with IO in the further investigation of the present case if any.

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

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

4) The Petitioner shall appear before the Court on all the hearing dates if called for.

5) The Petitioner shall not change her 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 29th day of March 2021].

[Krishnaji Baburao Patil],

XXVIII. Addl. City Civil Judge,
Mayo hall, Bangalore.

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

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 Petitioner Mrs. Sujana Nemali D/o Late N.P. Murthy the event of her arrest in Cr.No.266/2019 (PCR No.54043/2019) of Ashok Nagar Police Station for the offences punishable under Section 419, 420, 465, 468 r/w Section 34 of IPC, on execution of personal bond for a sum of Rs.1,00,000/- with one surety for likesum to the satisfaction of Respondent Police subject to following

conditions:-

1) The Petitioner shall appear before the IO as and when called for and co-operate with IO in the further investigation of the present case if any.

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

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

4) The Petitioner shall appear before the Court on all the hearing dates if called for.

5) The Petitioner shall not change her residence without prior permission of the Court.

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