

**IN THE HIGH COURT OF KARNATAKA
AT BENGALURU**

Dated this the 11th day of December, 2017

BEFORE

THE HON'BLE MR JUSTICE BUDIHAL R B

Criminal Petition No 8518 of 2017

BETWEEN:

1. SMT SARASWATHI BAI
W/O JAYASINGH
AGED 70 YEARS
R/AT NO 15, A BLOCK,
SARASWATHI NILAYA
4TH CROSS, BEHIND FOOD OFFICE
GOPALAGOWDA EXTENSION
SHIVAMOGGA
 2. SRI HARISH
S/O KESHAVA LAL SINGH
AGED 41 YEARS
H SIDDAIAH ROAD
SHIVAMOGGA
 3. SURENDRA SINGH
S/O THAKUR SINGH N
AGED 58 YEARS
RESIDING AT DOOR NO 30, D ABLOCK
PARVATHI GOPALAGOWDA EXTENSION
SHIVAMOGGA
- ... PETITIONERS

[By Sri Vinod Kumar M, Advocate]

AND:

STATE OF KARNATAKA
REPRESENTED BY THE SHO
JAYANAGARA POLICE STATION
SHIMOGGA
REPRESENTED BY THE SPP

HIGH COURT BUILDING
BANGALORE - 560001

... RESPONDENT

[By Sri Chetan Desai, HCGP]

CRIMINAL PETITION IS FILED UNDER SECTION 438 CrPC PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CRIME NO 147/2017 OF JAYANAGARA POLICE STATION, SHIVAMOGGA DISTRICT FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 405, 406 AND 420 R/W 149 OF IPC.

THIS CRIMINAL PETITION IS COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by the petitioners-accused Nos 4, 3 and 5, respectively, under Section 438 of the Code of Criminal Procedure, seeking anticipatory bail, directing the respondent-police to release them on bail in the event of their arrest for the offences punishable under Sections 405, 406 and 420 read with Section 149 IPC, registered by the respondent police in Crime No 147 of 2017.

2. Heard the learned counsel for the petitioners and the learned HCGP for the respondent. I have perused the grounds urged in the petition, FIR, complaint and other materials produced in the case.

3. The complainant is one Kiran P s/o Paandurangan K. In the complaint, he stated that the petitioners were running a chit business illegally and he also subscribed to a chit for a sum of ₹ 5.00 lakh. It is his complaint that even after the expiry of chit period, the amount has not been paid to him by the accused persons. He, therefore, lodged the complaint against the petitioners herein and other persons.

4. On the basis of the said complaint, a case was registered by the respondent police in Crime No 147 of 2017 for the aforesaid offences.

5. Learned counsel for the petitioner, during the course of the arguments, draws the attention of the court to the documents which were seized by the police during the course of investigation, i.e., the documents mentioned at Sl Nos 1 to 32. These documents indicate that accused No 1 is the president and the accused No 2 is the vice-president of the institution which conducted the chit business. The

said documents disclose that the petitioners herein are not the directors of the said institution.

6. In the bail petition, the petitioners have denied the allegations made against them in the complaint. They contend that they have been falsely implicated in the case. They are ready to abide by any reasonable conditions that may be imposed by the court.

7. The offences alleged against the petitioners herein are triable by Magistrate court and they are not exclusively punishable either with imprisonment for life or death. Hence, by imposing reasonable and necessary conditions, they can be admitted to anticipatory bail.

8. Accordingly, the petition is allowed. The respondent-police is directed to release the petitioners herein on bail, in the event of their arrest for the above offences registered by respondent police station in Crime No 147 of 2017, subject to the following conditions:

- i. Petitioners shall execute a personal bond for ₹ 50,000/- [Rupees fifty thousand

only] each and has to furnish one surety for the likesum each to the satisfaction of the arresting authority.

- ii. Petitioners shall not tamper with any of the prosecution witnesses directly or indirectly.
- iii. Petitioners have to make themselves available before the Investigating Officer for interrogation as and when called for and to cooperate with further investigation.
- iv. The petitioners shall appear before the concerned Court within 30 days from the date of this order and to execute the personal bond and the surety bond.

**Sd/-
JUDGE**

*pjk