

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF OCTOBER, 2020

BEFORE

**THE HON'BLE MR.JUSTICE B.A. PATIL**

**CRIMINAL PETITION NO.5338 OF 2020**

**BETWEEN:**

Fakir Ahmed Khan  
S/o. Abdul Nayeem Khan  
Aged about 45 years  
R/o No.129, 4<sup>th</sup> Cross  
1<sup>st</sup> Main, 2<sup>nd</sup> Stage  
Udayagiri, Behind Indian Bank Mysore  
Udaygiri, Mysore  
Karnataka – 570 019

... Petitioner

(By Sri. Asim Malik, Advocate)

**AND:**

State of Karnataka  
By Srirangapatna PS  
Mandya  
Represented by  
State Public Prosecutor  
High Court Building  
Bengaluru – 560 001

... Respondent

(By Sri R.D.Renukaradhya, HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.201/2020 of Srirangapatna P.S., Mandya for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of IPC.

This Criminal Petition coming on for **Orders** through video conference this day, the Court made the following:

**ORDER**

The present petition has been filed by petitioner/accused No.2 under Section 438 of Cr.P.C., to enlarge him on anticipatory bail in Crime No.201/2020 of Srirangapatna Police Station for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of IPC.

2. I have heard the learned counsel Sri. Asim Malik for petitioner/accused No.2 virtually and the learned HCGP Sri. R.D. Renukaradhya for the respondent – State.

3. The genesis of the case of the prosecution in brief is that the complainant herein is the owner of the land bearing Sy.No.33/2 to the extent of 6 acres 10 guntas. It is further alleged that on 01.09.2020, he approached the Sub-Registrar office, Srirangapatna and

made an enquiry with regard to the schedule property and obtained an Encumbrance Certificate then he discovered that on 31.10.2019 by impersonation and fabricating the documents, fake sale agreements have been got created in the name of the wife of the complainant. On the basis of the complaint, a case has been registered.

4. It is the submission of the learned counsel for petitioner/accused No.2 that he has nothing to do with the transaction, he is only a *bonafide* purchaser for value and he has also transacted with the persons after seeing the entire documentary records. It is his further submission that the amount has been paid through the bank transactions and that itself shows *bonafides* of petitioner/accused No.2. The accused had made *bonafide* enquiry to the facts of the said schedule property. He further submits that the alleged offences are not punishable with death or imprisonment for life.

He further submitted that petitioner/accused No.2 is ready to co-operate with the investigation and ready to offer the sureties. On these grounds, he prays to allow the petition and to release petitioner/accused No.2 on bail.

5. Though the said application has been seriously contested by the learned HCGP but when it is specifically contended by the learned counsel for petitioner/accused No.2 that petitioner/accused No.2 is a *bonafide* purchaser of the schedule property and he has paid the amount of consideration through bank. Under the said facts and circumstances, I am of the considered opinion that by imposing some stringent conditions, if petitioner/accused No.2 is released on anticipatory bail, it is going to meet the ends of justice. In that light, the petition is **allowed**.

6. Petitioner/accused No.2 is ordered to be enlarged on anticipatory bail in the event of his arrest in Crime No.201/2020 of Srirangapatna Police Station for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of IPC, subject to the following conditions:

- i. Petitioner/accused No.2 shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) with two sureties for the likesum to the satisfaction of the Investigating Officer.
- ii. He shall surrender before the Investigating Officer within 20 days from today, failing which this order automatically stands cancelled.
- iii. He shall not tamper with the prosecution witnesses directly or indirectly.
- iv. He shall appear before the Investigating Officer as and when required and co-operate for investigation.

- v. He shall mark his attendance before the Investigating Officer once in 15 days in between 10.00 a.m. and 5.00 p.m. till the charge sheet is filed.
- vi. He shall not leave the jurisdiction of the Court without prior permission.
- vii. If he violates any one of the conditions, bail is liable to be cancelled.

**Sd/-  
JUDGE**

SJK