



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF DECEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 12784 OF 2023

BETWEEN:

P. NAGARAJU,
S/O ALTE PUTTAMADEGOWDA,
AGED 52 YEARS,
R/AT AREPALYA VILLAGE,
KOLLEGALA TALUK,
CHAMARAJNAGAR DISTRICT.

...PETITIONER

(BY SRI. GIRISHKUMAR R.,ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY VISHWESHWARAPURAM POLICE STATION,
BENGALURU 560002.

...RESPONDENT

(BY SRI.ANOOP KUMAR. M.V.,ADVOCATE)

CRL.P FILED U/S.438 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.143/2023 OF VISHWESHWARAPURAM P.S., BENGALURU CITY FOR THE OFFENCE P/U/S 406,420 OF IPC ON THE FILE OF THE III ADDL.CHIEF METROPOLITAN MAGISTRATE, BENGALURU AND ETC.,.



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

ORDER

Learned HCGP takes notice for Respondent.

2. The petitioner who is the sole accused in crime No.143/2023 registered by V.V Puram police station for the offences punishable under Sections 406 and 420 of IPC is before this Court 438 of Cr.P.C.

3. The brief facts of the prosecution is that one Mr.Bharath Gautam lodged the complaint before the respondent police on 16.09.2023 alleging that during the life time of his late father, Mr. Gautam Shivaji Rao was the prominent realtor and farmer, who had been established in several real estate companies in both Karnataka and Tamil Nadu in which his late father had purchased an agriculture land bearing Sy No.12 situated at Arepalya village, Kollegala taluk. Mr. Late Gautam Shivaji Rao and his father were both neighbour's and due to the acquaintance they developed a strong bond and the accused/petitioner was employed as Farm Manager. Subsequently, the petitioner approached the



complainant's father residing at V.V. Puram house with a request for a loan of Rs.5,00,000/- to support his business endeavors in the year 2008 and he assured to repay the borrowed amount within a period of five years and as a security measure for the loan, he offered the title deeds with the Sy No.208/1 and 280/2 situated at Boodubalu village, Hanoor Hobli, Hanoor Subdivision, Kollegala taluk, Chamarajanagara District.

4. It is further alleged that on 01.03.2008, the petitioner once again visited the complainant's house at VV Puram in Bengaluru and requested an additional loan of Rs.12,00,000/- by offering additional security of properties in Sy No.149/B and 149/2 to substantiate the same the accused/petitioner handed over the original title deeds of the property as collateral security. Thereafter the petitioner failed to repay the entire amount of Rs.17,00,000/-. Hence, the complainant lodged the complaint against the petitioner which came to be registered as crime No.147/2023 as dated supra.

5. After registration of the FIR, the respondent police are making hectic attempts to arrest the petitioner in the above



crime. Hence, the petitioner approached the LXIX Additional City Civil and Sessions Judge Bengaluru (CCH-70) for grant of anticipatory bail in Crl.Misc.No.10116/2023 which came to be rejected vide order dated 18.11.2023. Hence, this petition.

6. Heard learned counsel for the petitioner and learned HCGP for the State and pursued the records.

7. It is the primary contention of the petitioner that the entire transaction is of civil dispute between the complainant and the petitioner. There is no element of criminality alleged on the part of the petitioner. Further the complainant has filed a recovery suit in Com.OS.No.1/2023 before the Commercial Court at Bengaluru and subsequently he has withdrawn that suit and thereafter, he filed a suit in Com.OS.No.9/2023 which is pending for consideration. He also contends that there is an inordinate delay in filing the complaint also. Accordingly, he prays to allow the petition.

8. *Per contra*, learned HCGP vehemently opposes the bail application on the ground that there is an intention to defraud the complainant and petitioner has failed to repay the loan amount of Rs.18,00,000/- to the complainant and accordingly,



he prays to dismiss the petition. Moreover he submits that the custodial interrogation of the petitioner is very much required in this case.

9. On careful perusal of the records initially the transaction of the amount in the year 2008 is Rs.5,00,000/- from the father of the complainant and subsequently, he approached the complainant for a sum of Rs.12,00,000/- as loan, for which he mortgaged the executed the documents. Moreover, the civil suit filed by the complainant is pending consideration. Under such circumstance, I am of the view that the petitioner may be admitted on anticipatory bail.

10. Accordingly the petition is **allowed**. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.143/2023 registered by VV Puram Police Station for the offences punishable under Sections 406 and 420 of IPC, subject to the following conditions:

1. The petitioner shall appear before the investigation officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond



for a sum of Rs.1,00,000/- (One lakh only) with tow sureties for the likesum to the satisfaction of the investigation officer.

2. Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for investigation and appear before them whenever called upon.

4. The petitioner shall not involve in similar offences in future.

Sd/-
JUDGE

PNV
List No.: 2 SI No.: 113