



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16<sup>TH</sup> DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.4180 OF 2024

BETWEEN:

SUMAN @ SUMAN N P  
S/O. LATE N S PRASAD,  
AGED ABOUT 38 YEARS,  
R/AT NO. 342, VASUPRABHA,  
6<sup>TH</sup> CROSS, 2<sup>ND</sup> MAIN,  
K.R. LAYOUT, 6<sup>TH</sup> STAGE,  
BENGALURU-560 078.

...PETITIONER

(BY SRI M SHASHIDHARA, ADVOCATE)

AND:

STATE OF KARNATAKA  
BY JAYANAGAR P.S.,  
REP. BY SPP,  
HIGH COURT OF KARNATAKA  
AT BENGALURU-560 001.

...RESPONDENT

(BY SRI M DIVAKAR MADDUR, HCGP)

THIS CRL.P IS FILED U/S.438 CR.P.C PRAYING TO  
ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS  
ARREST IN CR.NO.116/2024 OF JAYANAGAR P.S.,





BENGALURU CITY FOR THE OFFENCES P/U/S 419, 420, 467, 468, 471 R/W 34 OF IPC AND ETC.

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

### **ORDER**

This petition is filed by the petitioner/accused No.1 seeking the relief of anticipatory bail under Section 438 of Cr.P.C in the event of his arrest in Cr.No.116/2024 of Jayanagar police station, Bengaluru City for the offences punishable under Sections 419, 420, 467, 468, 471 read with Section 34 of IPC.

2. Heard the learned counsel appearing for the petitioner and the learned HCGP appearing for the respondent/State.

3. The learned counsel appearing for the petitioner herein submits that there was a lease agreement in respect of the property which is the subject matter of the sale agreement executed by the original owner in favour of the complainant wherein this petitioner signed the said document as consenting witness, but not received any



amount as alleged in the complaint. The counsel for the petitioner has produced the copy of the absolute sale deed dated 15.02.2022 executed by the petitioner herein as a Power of Attorney holder on behalf of M/s Ramky Estate and Farms Private Limited in favour of one Smt.Nanjamma who represented by her GPA holder Sri Prakash H N and the said amount of Rs.20/- lakh has been paid as sale consideration in respect of the sale deed dated 15.02.2022. The counsel would vehemently contend that except the payment of Rs.20/- lakh towards sale consideration from the account of the mother-in-law of the complainant, this petitioner has not received any amount. Hence, false allegation is made against this petitioner. Hence, the counsel for the petitioner prays to enlarge the petitioner on anticipatory bail.

4. The learned HCGP appearing for the respondent/State would vehemently contend that the amount of Rs.20/- lakh has been paid in favour of this petitioner.



5. Having heard the learned counsel appearing for the respective parties and also on perusal of the material available on record, prima facie it discloses that the amount of Rs.20/- lakh was paid in respect of the sale transaction and this petitioner is only a consenting witness to the said transaction since this petitioner is in occupation of the subject matter of the sale transaction in terms of the sale agreement executed by the Power of Attorney of the original owner. Hence, there is a force in the contention of the counsel for the petitioner that this petitioner has signed the sale agreement as consenting witness in view of possession is vested with him as a lease holder. Hence, it is a fit case to exercise the powers under Section 438 of Cr.P.C to enlarge the petitioner on anticipatory bail.

6. In view of the discussions made above, I pass the following:

**ORDER**

The petition is allowed. Consequently, the petitioner/accused No.1 shall be released on bail in the event of his arrest in connection with Crime No. Cr.No.116/2024 of



Jayanagar police station, Bengaluru City for the offences punishable under Sections 419, 420, 467, 468, 471 read with Section 34 of IPC, subject to the following conditions:-

- (i) The petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the like-sum to the satisfaction of the concerned Investigating Officer.
- (ii) The petitioner shall not indulge in tampering the prosecution witnesses.
- (iii) The petitioners shall not leave the jurisdiction of the Court without prior permission till the disposal of the case.

**Sd/-**  
**JUDGE**

SN