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Sri Girisha vs State by

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Court : Karnataka

Decided On : Feb-01-2025

Judge : Mohammad Nawaz

Appeal No. : CRL.P/738/2025

Appellant : Sri Girisha

Respondent : State by

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ CRIMINAL PETITION NO. 738 OF 2025 (438(Cr.PC) / 482(BNSS)) BETWEEN: SRI GIRISHA S/O NAGAPPA, AGED ABOUT 29 YEARS, AGRICULTURIST, R/AT CHIKKABBIGERE, SANTHEBENNUR HOBLI, CHANNAGIRI TALUK, DAVANGERE TALUK AND DISTRICT-577552 PETITIONER (BY SRI. GOPALAKRISHNAMURTHY C., ADVOCATE) AND: STATE BY RURAL POLICE STATION, Digitally signed by CHITRADURGA, LAKSHMI T R/BY ITS SPP, HIGH COURT COMPLEX, Location: High Court

BENGALURU-560001 of Karnataka

RESPONDENT (BY MS. ASMA KOUSER, ADDL. SPP) THIS CRL.P IS FILED U/S 438 CR.P.C (U/S 482 BNSS) PRAYING TO PASS AN ORDER GRANTING ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST AND DIRECT THE RESPONDENT CHITRADURGA RURAL P.S., TO RELEASE THE PETITIONER IN CR.NO.132/2024, PENDING ON THE FILE OF I ADDL. CIVIL JUDGE (JR.DN) AND JMFC COURT, CHITRADURGA DISTRICT, CHITRADURGA, FOR THE OFFENCE P/U/S 420 OF IPC. -2-

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

The petitioner is seeking anticipatory bail in Crime No.132/2024 of Chitradurga Rural Police Station registered for the offence punishable under Section 420 of IPC.

2. The gist of the complaint lodged by one Renukumar

s/o.C.P.Nateshan is that a person by name Suresh induced the complainant saying that he has unearthed gold coins during construction of his house and he would like to sell the gold coins for Rs.45,00,000/-, and gave one gold coin to him, which on verification found to be genuine. Thereafter, as per the request of Suresh, on 27.3.2024, he went to Chitradurga and the said Suresh, along two others, met him near Sai City Layout and received

Rs.30,00,000/- saying that he will receive balance Rs.15,00,000/- from him later and gave him gold coins. However, on verification, he found that the said gold coins were fake. -3-

3. FIR is registered against Suresh and two others.

Petitioner is not named as an accused in the FIR. The allegations are that even this petitioner came along with Suresh and received cash of Rs.30,00,000/- from him and gave the gold coins. It is therefore, alleged that the petitioner has colluded with Suresh and cheated the first informant.

4. Learned Additional SPP has contended that the

petitioner is none other than the brother of Suresh and two more cases are registered against the accused (petitioner herein) and therefore, if he is released on anticipatory bail, he may not co-operate with the investigation of the case.

5. The offence alleged to have been committed by the petitioner is not punishable with death or

imprisonment for life. The main allegation is against accused No.1. The said accused was arrested on 3.4.2024 and he has been released on bail. It appears that on the -4- voluntary statement of accused No.1, the present petitioner is arraigned as accused No.2 in the remand application. A sum of Rs.24,50,000/- has been recovered from accused No.1. In the said facts and circumstances, petitioner can be granted the relief sought in the petition.

6. Accordingly, the following :

ORDER

i) Petition is allowed. ii) Petitioner/accused No.2 in Crime No.132/2024, registered by Chitradurga Rural Police Station, shall be released in the event of his arrest, subject to following conditions: a) He shall appear before the Investigating Officer within a period of one week from

the date of receipt of a 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 likesum. b) He shall furnish proof of his residential

address/contact number and shall -5- inform the I.O. in case of any change in the address/contact number. c) He shall co-operate with the investigation of the case. d) He shall not tamper with the prosecution evidence/witnesses either directly or indirectly. e) He shall be regular in attending the Court proceedings. Sd/- (MOHAMMAD NAWAZ) JUDGE rs List No.: 1 Sl No.: 29

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