

Smt.Fareeda, and ors. Vs. the State by Cubbon Park Police Station.

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Court : Karnataka

Decided On : Dec-23-2010

Judge : Anand Byraredddy J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 406, 418, 420, 465, 466, 468, 177; [Code of Criminal Procedure \(CrPC\) \(CRPC\), 1973](#) - Section 438

Appeal No. : CRIMINAL PETITION NO. 5343 OF 2010

Appellant : Smt.Fareeda, and ors.

Respondent : The State by Cubbon Park Police Station.

Advocate for Def. : Sri Vijayakumar Majage, Adv.

Advocate for Pet/Ap. : L. Sudharshan, Adv.

Judgement :

1. Heard the counsel for the petitioners.
2. Complaint was registered against the petitioners for the offences punishable under Sections 406, 418, 420, 465, 466, 468 and 177 of the Indian Penal Code in Crime Ho.301/2010 on the file of the Cubbon Park Police Station.
3. It is alleged that the Assistant General manager of the Vijaya Bank had lodged a report that, the petitioners had approached the complainant on 23.01.2006 and had availed of a Housing Loan of Rs 16,60,000/- from the complainant in order to

purchase certain property. It is further alleged that, the property was purchased in the name of petitioner No.1 and the said property was mortgaged with the complainant by executing a memorandum of deposit of original Title Deeds. However, it is further alleged that the petitioners became defaulters in re-payment of the amount. In spite of sufficient time having been granted, the petitioners defaulted in repayment. It was alleged that the petitioners had thereafter manipulated and created yet another set of Title Deeds, in respect of the very property which was mortgaged in favour of the complainant, and had entered into an agreement for development of the said property with certain third parties. It is this, which is the basis of the complaint alleging offence punishable under the Sections as stated above.

4. The court below has rejected the application for anticipatory bail on the reasoning that, the alleged offences leveled against the petitioners requires custodial interrogation and because the documents are yet to be produced before the investigating officer and therefore, petitioners are not entitled for grant of anticipatory bail. However, having regard to the facts and circumstances of the case, if anticipatory bail is granted to the petitioners on certain conditions imposed, ends of justice would be met

5. Accordingly the petitioners are granted anticipatory bail subject to the following conditions;

1) If the petitioners are arrested in Crime No.301/2010 of Cubbon Park Police Station, registered for the offences punishable under Sections 406, 418, 420, 465, 466, 46S and 177 of Indian Penal Code, they shall be released on bail.

2) This is subject to the condition that the petitioners shall furnish personal bonds for a sum of Rs 25,000/- each, with two solvent sureties for like amounts to the satisfaction of the trial court.

3) The petitioners shall not intimidate or tamper with the prosecution witnesses

4) The petitioners shall make themselves available for investigation by the Investigating Officer as and when required.

8) The petitioners shall not leave the jurisdiction of the trial court without leave of the court. The petitioners shall approach the court below for regular bail within a period of eight weeks from today. On such application being made, the court below shall consider the application without being influenced by any of the observations made herein.

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