

N.E. Dilip Vs. State of Karnataka

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Court : Karnataka

Decided On : Jul-20-2011

Judge : K.N. Keshavanarayana

Appeal No. : CRIMINAL PETITION NO. 3650 OF 2011

Appellant : N.E. Dilip

Respondent : State of Karnataka

Advocate for Pet/Ap. : For the Petitioner: M/s. S. Balan and Associates, Advocates. For the Respondent: B. Rajasubramanya Bhat, HCGP.

Judgement :

This CrI.P. is filed U/s. 439 Cr.P.C. by the Advocate for the petitioner praying that this Hon'ble Court may be pleased to enlarge the petitioner on bail in CR.No.143/11 of Ulsoor P.S. Bangalore City, for the offences P/U/S 406, 420 and 120-B of IPC.

The petitioner herein, who has been arraigned as accused no.3 in Crime No.143/2011 of Ulsoor Police Station registered for the offences punishable under Sections 406, 420 and 120-B of IPC, has sought for the relief of bail.

2. According to the case of the prosecution, on the basis of the report lodged by one V. Druva Kumar, resident of Kotnahalli, Bettahalli Gate, Magadi road, Bangalore on 02.05.2011, criminal case came to be registered and investigation

was taken up.

3. According to the allegations made in the report, the complainant came in contact with Shivadev Kumar, arraigned as accused no.1, petitioner herein, George and others for the first time in Lido Mal and thereafter, he met those person often and during such meetings, those persons offered him of high returns with multiple crores, if he agrees to pay some fees to the Company named by them. Believing their representations, he borrowed some money from out side and handed over 2.72 lakhs to the people named by the above persons in and around Bangalore and he paid Rs.1.7 lakhs through Shivdev Kumar's account in ICICI bank. It is further alleged that later he came to realize that those people have taken money from multiple people on same offer and he came to know the names of such persons as Kamal, Nicky Maten, Abu George, Sudish and Anish and he further came to know that he has been cheated. It was his further allegation that on realizing that he has been cheated, he demanded the above said persons to refund the money paid by him, but, they went on postponing the payment on one pretext or the other and ultimately, accused no.1 challenged him to take any legal action to prove it. During investigation of the case, the petitioner herein was apprehended and later subject to judicial custody. As his request for bail made before the learned Sessions Judge came to be rejected he is before this Court in this petition.

4. I have heard the learned counsel appearing for the petitioner and also the learned HCGP appearing for the respondent-State. Perused the records made available.

5. It is the submission of the learned counsel for the petitioner that, even if the entire allegations made in the complaint and the contents of the materials collected during investigation till now are accepted at its face value, it does not make out any case against the petitioner for the offences alleged, as such, he is entitled to be enlarged on bail.

6. As noticed supra, in the complaint, allegations regarding payment of the money was only to Accused No.1, Shivadevkumar's account. Reading of the entire complaint allegations does not prima facie make out that this petitioner had at any

point of time demanded the complainant to pay money nor it is alleged in the complaint that the complainant paid any money to this petitioner at any time. The materials available on record, at this stage, prima facie does not indicate any role played by this petitioner in the commission of the offences alleged. Therefore, at this stage, there are no reasonable grounds to believe that the petitioner is guilty of any of the offences alleged, as such he is entitled to be enlarged on bail.

7. In the result, the petition is allowed. The petitioner is ordered to be enlarged on bail in Crime No.143/2011 of Ulsoor Police Station, Bangalore, on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety for the like-sum to the satisfaction of the learned Magistrate/Sessions Judge and also subject to further conditions that:

- i) the petitioner shall not tamper or terrorise the prosecution witnesses in any manner:
- ii) the petitioner shall not indulge in any acts similar to the one alleged against her:
- iii) the petitioner shall appear before the Investigating Officer as and when so required by him and shall co-operative in investigation of the case.
- iv) the petitioner shall appear before the Court on all the date of hearing without fail.

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