

(2024) 12 KAR CK 0027

Karnataka High Court At Bengaluru

Case No: Criminal Petition No. 14238 Of 2024

Dr. T.P. Lathamani & Others

APPELLANT

Vs

State Of Karnataka By SHO

RESPONDENT

Date of Decision: Dec. 30, 2024

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 482
- Code Of Criminal Procedure, 1973 - Section 438
- Indian Penal Code, 1860 - Section 34, 406, 420, 504, 506

Hon'ble Judges: Anant Ramanath Hegde, J

Bench: Single Bench

Advocate: Dilip Kumar, Vinay Mahadevaiah

Final Decision: Allowed

Judgement

Anant Ramanath Hegde, J

1. This petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') read with Section 438 of Code of

Criminal Procedure.

2. The petitioners submit that there was a transaction between the complainant and the petitioners which was purely a civil transaction. It is stated that

a complaint is lodged against the petitioners giving a colour of criminal offence, though there was no reason and occasion for filing such a complaint.

On apprehension of arrest, an application is filed under Section 482 of BNSS seeking anticipatory bail. The said application came to be rejected by the

learned Sessions Judge in terms of the order dated 16.12.2024 in Crl.Misc.No.1025/2024.

3. Learned counsel for the petitioners submits that there is a threat of arrest and the learned Sessions Judge committed an error in dismissing the petition on the premise that there is no threat of arrest.

4. This Court has considered the contents of the complaint dated 22.11.2024.

5. The complainant in the complaint states that the accused named in the complaint induced the complainant to pay Rs.1 crore with an assurance that

the complainant would be made the partner of a hospital. It is further stated that Rs.5 lakh is transferred to the account of petitioner No.1 on

27.02.2023 and on 19.05.2023 Rs.5 lakhs is transferred and on 20.07.2023 Rs.90 lakhs is transferred. The complainant alleges that the accused did not

induct the complainant as a partner and thereby defrauded the complainant. It is also alleged that the accused induced the complainant with an

intention to cheat the complainant and make unlawful gain for themselves.

6. The contents of the complaint would reveal that there was some sort of business/money transaction between the complainant and the accused. And

amount is said to have been transferred to the account of accused No.1. Accused Nos.2 and 3 are the siblings of accused No.1.

7. On going through the contents of the complaint, this Court is of the view that custodial interrogation is not required in a case of this nature. The

transaction of transfer of money is well documented if the contents of the complaint are true. It is not possible to erase the records relating to alleged

transaction.

8. Hence, this Court is of the view that the petitioners are entitled to anticipatory bail. Accordingly, the following:

ORDER

i) Criminal Petition is allowed.

ii) The respondent - Police or any other Police in the State of Karnataka are directed to release the petitioners in the event of their arrest in Crime

No.223/2024 registered by Channapatna Rural Police Station, Ramanagara district, for the offences punishable under Sections 420, 406, 504, 506 read

with Section 34 of the IPC, subject to the following conditions:

1. Petitioners shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute personal

bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each, with two sureties for the likesum to the satisfaction of the investigating officer.

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

3. Petitioners shall not tamper with the prosecution witness and they shall co-operate with the Police for investigation and appear before them whenever called upon.

4. Petitioners shall not involve in similar offences in future.