



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 14311 OF 2024

BETWEEN:

SRI KALAI AH
SON OF LATE LAKKAIAH,
AGED ABOUT 44 YEARS,
RESIDENT OF G. HOSAHALLI VILLAGE,
BASARALU HOBLI,
MANDYA TALUK,
MANDYA DISTRICT - 571 416.

...PETITIONER

(BY SRI. SHANKAR H S., ADVOCATE)

AND:

STATE OF KARNATAKA BY
HASSAN CEN CRIME POLICE STATION,
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. VINAY MAHADEVIAH., HCGP)

THIS CRL.P IS FILED U/S.438 (FILED U/S.482 BNSS)
CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING
THAT THIS HONOURABLE COURT MAY BE PLEASED TO
ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN CRIME
NO.67/2024 OF HASSAN CEN CRIME POLICE STATION,
PENDING ON THE FILE OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, HASSAN REGISTERED FOR THE OFFENCE

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



P/US/420,417 OF IPC AND SEC.21,3 OF BANNING OF UNREGULATED DEPOSIT SCHEMES ACT 2019.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Learned High Court Government Pleader accepts notice for the respondent.

2. Heard the learned counsel appearing for the petitioner and learned HCGP.

3. It is stated that a complaint is filed against the accused for alleged offences under Sections 420, 417 of IPC and Sections 21, 3 of the Banning of Unregulated Deposit Schemes Act 2019 and FIR is registered in Crime No.67/2024 before Hassan CEN Crime Police Station.

4. This petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita. The petitioner is seeking Anticipatory Bail. His application seeking Anticipatory Bail in Crl.Misc.No.1209/2024 on the file of



the Principal District and Sessions Judge, Hassan, is dismissed vide order dated 04.12.2024.

5. Learned counsel for the petitioner, inviting the attention of this Court, that the complainant would submit the complaint is alleging that an amount of Rs.6,35,000/- is credited to the bank account mentioned in the complaint.

6. It is further stated that in the complaint that accused named the complaint assured the complainant that if some amount is invested in World Racing Free Launching Reward Organization, the investors would get a return of 2% interest per day and their money would be doubled quantity. The complainant states that she has made payment through Google Pay, on phone No.9945668779.

7. Learned counsel for the petitioner submits that the phone number does not belong to him. It is also his further submission that one more phone number



mentioned in the complaint, namely 7090334491, also does not belong to the complainant and the account to which the amount is credited does not belong to the complainant. He would further submit that he is totally unconcerned with the transactions referred in the complaint and a false complaint is lodged against him.

8. Learned counsel for the petitioner is also submits that since the alleged payment is made to the bank accounts, the custodial interrogation is not required.

9. Learned counsel for the respondent submits that there is an allegation that the petitioner and another accused have cheated some other persons. It is contend that custodial interrogation is very much required and submits to dismiss the petition.

10. This Court has considers the contentions raised in the Bar and perused the records.

11. It is noticed in the complaint that the complainant has paid Rs.6,35,000/- through Google pay



on two phone numbers mentioned in the complaint and amount is said to have been paid to the bank accounts mentioned in the complaint. Since the entire allegations made in the complaint is said to be in respect of payment made to two bank accounts named in the complaint, this Court is of the view that custodial interrogation is not required in this case. Accordingly, petitioner has made out the case for Anticipatory Bail. Hence 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 petitioner in the event of his arrest in Crime No.67/2024 registered by Hassan CEN Crime Police Station for the offences punishable under Sections 420, 417 of IPC and Sections 21, 3 of the Banning of Unregulated Deposit Schemes Act 2019, subject to the following conditions:



1. Petitioner shall appear before the Investigating Officer within 15 days from the date of receipt of the 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 to the satisfaction of the investigating officer.
2. Petitioner shall co-operate with the Investigating Officer to complete the investigation and he shall appear before the Investigation Officer, as and when called for;
3. Petitioner shall not indulge in tampering the prosecution witnesses either directly or indirectly.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE