IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR

CRIMINAL PETITION NO.7020 OF 2020

BETWEEN

1. Smt. Kavalavathi
   W/o Muniraju G
   Aged about 50 years
   R/at No.104, Munipoovanna Block
   Manorayanapalya, R.T.Nagar Post
   Bengaluru – 560 016

2. Sri. Sudhakara,
   S/o. Munikrishna,
   Aged about 34 years,
   R/at No.104, Munipoovanna Block,
   Manorayanapalya, RT Nagar Post,
   Bengaluru-560016.

3. Smt. Pooja,
   W/o. Sudhakara
   Aged about 30 years,
   R/at No.104, Munipoovanna Block,
   Manorayanapalya, RT Nagar Post,
   Bengaluru-560016.

…Petitioners

(By Sri A.M.Nithin, Advocate)

AND

The State of Karnataka
By Public Prosecutor,
High Court of Karnataka

Bengaluru – 560 001
Hebbala Police Station
J.C.Nagar Sub Division
Hebbala, Bengaluru – 560 001

…Respondent

(By Sri K.S.Abhijith, HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C. praying to enlarge the petitioners on bail in the event of his arrest in Cr.No.177/2020 of Hebbal Police Station, Bengaluru City, for the offence punishable under Sections 354-A, 354-C, 376, 420, 508 read with Section 34 of IPC and Section 66-E of The Information Technology Act, 2000.

This Criminal Petition coming on for orders this day, the Court made the following :

ORDER

This is a petition under Section 438 of Cr.P.C. Petitioners are accused No.19, 20 and 21 respectively in Crime No.177/2020 registered by the respondent-police for the offences punishable under Sections 354A, 354C, 376, 420 and 508 read with Section 34 of IPC and Section 66E of the Information Technology Act, 2000.

2. Heard the petitioners' counsel and the learned High Court Government Pleader for respondent-State.

3. Complaint was made by one Girija W/o Mani. It is a lengthy complaint. But its gist is that her husband was suffering from a disease and that first accused Muniraju was

appointed by her as a car driver. Since the first accused belongs to her caste, he was entrusted with other responsibility of the business and other financial aspects. After her husband died, he continued to be driver. As it appears that the complainant was in some difficulties, the first accused persuaded her to perform poojas and certain rituals and in that connection she went on giving him money. She also asked him to build a temple. While doing said pooja, the first accused asked her to sit naked. When the complainant did not agree, she telephoned to his wife i.e., first petitioner herein to convince her that to complete the pooja in that manner as it was necessary that she sit nude. When she sat naked he tried to exploit her sexually. He also collected money from the complainant to the extent of Rs.8 crores. The complainant having come to know that the first accused had cheated her, she decided to lodge a complaint.

4. So far as the first petitioner is concerned, the allegations are that she asked the complainant to sit naked at the time of pooja and that she collected Rs.10 Lakhs from the complainant i.e., Rs.5 Lakhs by way of cash and Rs.5 Lakhs by way of cheque. Petitioners 2 and 3 are the son-in-law and

the daughter of the first petitioner. Against these two petitioners the allegations are that the first accused asked the complainant to lend them some money as they were in some difficulty and thus the petitioners 2 and 3 borrowed an amount of Rs.10 lakhs.

5. Therefore given a plain reading of the complaint it becomes clear that the allegations are against accused No.1 only. It is difficult to infer at this stage the petitioners also actually participated in cheating the complainant in the guise of arranging poojas and other rituals. Just because they happen to be the family members of the first accused, they might have been implicated. In this view I don't find any impediment for granting anticipatory bail. If their presence is necessary for investigation, they may be secured at any time. Therefore the following:

ORDER

The petition is allowed.

In the event of arrest of the petitioners by the respondent police in connection with Crime No.177/2020, they shall be released on bail subject to each of them executing a bond for

Rs.1,00,000/- (One Lakh only) and providing two sureties each for the likesum to the satisfaction of the investigating officer. The petitioners are also subjected to following conditions:-

(i) They shall co-operate with the police for completing the investigation.

(ii) They shall attend the police station whenever their presence is necessary for the purpose of investigation.

(iii) They shall not involve in any criminal case/s.

(iv) They shall not threaten the witnesses and tamper with evidence.

Sd/-
JUDGE

Kmv/-