



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 19TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE S.RACHAIAH

CRIMINAL PETITION NO. 101616 OF 2024 (438)

BETWEEN:

1. SRI RAVI N ALIAS RAVI,
S/O B NAGARAJ,
AGE: 36 YEARS,
OCC: TEMPORARY EMPLOYEE,
R/O: W.NO.7, NEAR RAM MANDIR,
BAPUJI NAGAR, BALLARI DISTRICT,
BALLARI-583101.
2. SMT.BHARATHI W/O RAVI N.,
AGE: 31 YEARS,
OCC: PROPRIETOR OF MANJULA ENTERPRISES,
R/O: W.NO.7, D.NO.75,
MAIN ROAD, NEAR RAM TEMPLE,
BAPUJI NAGAR,
BALLARI DISTRICT,
BALLARI-583101.

...PETITIONERS

(BY SRI H.M. DHARIGOND, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH THE SUB INSPECTOR OF POLICE,
BRUCEPET POLICE STATION BALLARI
R/BY SPP HIGH COURT OF KARNATAKA
DHARWAD BENCH DHARWAD.

...RESPONDENT

(BY SMT.KIRTILATA R.PATIL, HCGP)





THIS CRIMINAL PETITION IS FILED U/SEC. 438 OF CR.P.C. SEEKING TO ALLOW THE PETITION AND ENLARGE THE PETITIONERS/ACCUSED NO.1 AND 2 ON ANTICIPATORY BAIL IN CONNECTION WITH BRUCEPET POLICE STATION BALLARI CRIME NO.98/2024 REGISTERED FOR THE OFFENCES P/U/SEC. 420, 465, 468, 471 R/W 34 OF IPC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard Sri H.M.Dharigond, learned counsel for the petitioners and Smt.Kirtilata R.Patil, learned High Court Government Pleader for the respondent-State.

2. The petitioners are before this Court seeking regular bail in Crime No.98/2024 of Brucepet Police Station, Ballari for the offences punishable under Sections 420, 465, 468, 471 R/W 34 of Indian Penal Code (for short "IPC").

3. It is the case of the prosecution that the complainant working as Chief Manager, Bank of Baroda, Ballari Branch, Ballari, has lodged a complaint stating that accused No.1 was working as temporary employee of the said bank and accused No.2 was Proprietor of Manjula Enterprises. It is alleged in the said complaint that the beneficiaries have obtained loan under the Prime Minister Employment Generation Program. When the beneficiaries submitted the loan application



to the bank stated to have obtained fabricated quotation from the company of petitioner No.2 and got the loan sanctioned in their favour. However, they did not purchase the material as per the quotation given to the bank. As per the averments of the complaint, persons who have obtained the loan under Prime Minister Employment Generation Program scheme, having not utilized the said amount for the purpose for which they got sanctioned. Thereby, they have committed breach of trust and also cheated the Bank. Hence, the said complaint has been filed by the complainant on 10.04.2024 around 8.00 p.m. before the jurisdictional police. The jurisdictional police have registered a case in Crime No.98/2024 for the offences under Sections 420, 465, 468, 471 r/w Section 34 of I.P.C. The investigation is under progress. The present petitioners are accused No.1 and 2 filed the present petition for anticipatory bail.

4. It is the submission of the learned counsel for the petitioners that the accused No.2 being Proprietor of M/s Manjula Enterprises obtained loan for a sum of Rs.4,56,000/-. Thereafter, she has paid entire amount and the Bank has issued clearance certificate for having cleared the loan. The other beneficiaries who availed the loan from the Bank under



the Prime Minister Employment Generation Program, some of the beneficiaries have paid the amount to the Bank.

5. It is further submitted that the allegations made against these petitioners are baseless and both have been falsely implicated in this case in order to coercive them to bring other persons to clear the loan under the said scheme. The petitioners are the permanent residents of Bapuji Nagar, Ballari District and they have three children and both are having deep root in the society. The offences alleged against the petitioners neither punishable with death nor imprisonment for life. Hence, the petitioners may be enlarged on bail by imposing suitable conditions.

6. Per contra, learned High Court Government Pleader filed statement of objections and submitted that there are 11 members availed loan under the said scheme. Though they availed loan to particular intention or purpose, the said intention has not been fulfilled. However, the amount which has been sanctioned, has been diverted other than the purpose for which they obtained loan. The petitioner No.1 being accused No.1 had introduced the said beneficiaries to the said Bank and



got them the quotation through his wife's company to avail the said loan. In all, the petitioners have committed breach of trust and the Bank is required to collect amount of Rs.70,76,000/- from the beneficiaries. At this stage, it is not appropriate to grant anticipatory bail. Making such submission, the learned HC GP prays to dismiss the petition.

7. Having heard the learned counsel for the respective parties and also perused the averments of the complaint, the petitioner No.1 being accused No.1 in this case was working as temporary employee of the said Bank, he stated to have 11 members including his wife availed loan under the Prime Minister Employment Generation Programme. All the 11 members have availed loan for their particular purposes after producing the quotations. As per the submission of the learned counsel for the petitioners that some of the beneficiaries have already paid the entire amount and the present petitioner No.2 who is arraigned as accused No.2 had availed loan of Rs.4,56,000/- which has been cleared by her. Having considered the nature of allegations made against these petitioners, without advertng to the merits of the case, it is



appropriate to grant them bail as prayed for by imposing suitable conditions. Hence, I proceed to pass the following:

ORDER

The petition is allowed.

The petitioners are enlarged on bail in Crime No.98/2024 in the event of their arrest by the jurisdictional police/respondent police on the following conditions:

- a) The petitioners shall execute personal bond in a sum of Rs.1,00,000/- each with one surety each for the likesum.
- b) The petitioners shall surrender before the jurisdictional police within one month from today and execute personal bonds and furnish the sureties.
- c) The petitioners shall appear before the Trial Court on all dates of hearing without fail.



d) The petitioners shall not threaten the prosecution witnesses nor hamper the Court proceedings.

e) The petitioners shall co-operate with the investigation as and when required by the jurisdictional police.

Sd/-
JUDGE

VMB,CLK
CT:CNB
List No.: 1 Sl No.: 12