

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH
DATED THIS THE 12TH DAY OF NOVEMBER 2020
BEFORE
THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
CRL.P. NO.101376 OF 2020

BETWEEN:

- 1 . HANUMANTHAREDDY
S/O. CHINNA RAMANJANEYALU
AGE. 42 YEARS, OCC. AGRICULTURIST
 - 2 . CHINNA RAMANJANEYALU @ RAMANJINEYALU
S/O. ROSANNA, AGE. 65 YEARS, OCC:AGRICULTURIST
 - 3 . RAJESHA @ B. RAJU S/O. HANUMANTHAREDDY
AGE: 25 YEARS, OCC. AGRICULTURIST
R/O. ALL ARE R/O SRIRAMARANGAPURA VILLAGE,
KAMPLI TALUK, BALLARI DISTRICT. PIN-583101
....PETITIONERS
- (BY SRI. B. ANWAR BASHA, ADV.)

AND

THE STATE OF KARNATAKA
(THROUGH KUDUTHINI POLICE STATION)
REP. BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
AT DHARWAD-580011.
....RESPONDENT

(BY SRI.V.S.KALASURMATH, HCGP)

THIS PETITION IS FILED UNDER SECTION 438 OF CR.P.C., SEEKING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONERS / ACCUSED NO.1 TO 3 ON ANTICIPATORY BAIL IN CRIME NO.105/2020 REGISTERED BY KUDUTHINI POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 420, 34 OF IPC, PENDING INVESTIGATION OF THE SAID CASE.

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

ORDER

This petition is filed under Section 438 of Cr.P.C., to enlarge the petitioners on anticipatory bail in Crime No.105/2020 of Kuduthini Police Station registered for offence punishable under Section 420 read with Section 34 of IPC.

2. Heard the learned counsel for petitioners and the learned HCGP for respondent-State.

3. In brief, allegations are that, petitioners namely accused Nos.1 to 3 obtained a cash of Rs.3 lakhs and four SBI cheques bearing No. (i) 743972 (ii) 743973 (iii) 743974 and (iv) 743975 of Rs.10,00,000/- each from the complainant assuring him to provide a loan of Rs.40 lakhs at lower interest of 50 paise to improve his goat and sheep farming business. After receiving the cash of Rs.3 lakhs and

cheques from the complainant, they neither returned the cheques nor cash of Rs.3 lakhs, even though the complainant requested them to return the same and repay the amount and thereby they cheated the complainant.

4. The learned counsel for petitioners submits that a false case has been foisted against the petitioners and there is delay in lodging the complaint. There are no documents to show that the amount of Rs.3 lakhs was advanced to the complainant. He submits that the petitioners are innocent and in the event of their arrest they will be put to great hardship. Accordingly, seeks to allow the petition.

5. The learned HCGP contends that the petitioners are habitual offenders and investigation is still in progress and in the event of grant of

anticipatory bail they may not co-operate with the investigation and flee from justice

6. Materials on record go to show that the petitioners are involved in Crime No.6/2020 of Cowl Bazaar Police Station, Crime No.159/2018 and Crime No.90/2020 of Kudithini Police Station and FR No.3/2015 of Alur Police Station, Kurnool District, A.P. It is submitted by the learned HCGP that in Crime No.90/2020 of Kudithini Police station, the petitioners are granted bail and therefore, they have violated the conditions. He submits that the petitioners are in the habit of committing similar offences misusing the liberty granted to them.

7. The petitioners are habitual offenders and in the facts and circumstances, they are not entitled for the discretionary relief of anticipatory bail from this Court. In the event of grant of anticipatory bail, there

are chances of hampering the investigation by
misusing the liberty and involving in similar offences.
The petition is dismissed.

Sd/-
JUDGE

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