

(2014) 01 KAR CK 0179

In the Karnataka High Court

Case No : Criminal. Petition No. 200021 of 2014

Shakeel Ahmed

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 23-01-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 420

Citation : (2014) 2 AKR 22 : (2014) 3 KCCR 1884

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : Shivanand V. Pattanashetty, Advocate for the Appellant; Sanjay A. Patil, Addl. SPP, Advocate for the Respondent

Final Decision : Allowed

Judgement

B.V. Pinto, J.—This petition is filed seeking anticipatory bail in Crime No. 156/2013 of Basavakalyan Police Station registered on 04.08.2013 for the offence punishable u/s 420, IPC. It is the case of the complainant Shivakumargouda that he had purchased the lorry from the petitioner and he has paid a sum of Rs. 2,36,000/- but the petitioner has not given the documents of the lorry after taking the aforesaid amount from the complainant. Hence, it is stated that the petitioner has cheated complainant in respect of the amount taken by him.

2. Sri. Shivanand V. Pattanashetty, learned counsel for the petitioner submits that it is a civil transaction between the petitioner and the complainant and that no criminal aspect is involved in this case.

3. Sri. Sanjay A. Patil, learned Addl. SPP on the other hand submits that the complainant has stated in the complaint that the petitioner is involved in theft of lorries and the sale of said lorries to gullible, innocent people. The offences alleged are not punishable with death or imprisonment of life and nor exclusively triable by the Court of Sessions. There appears to be some misunderstanding

between the complainant and accused in respect of the sale of the lorry. However, the petitioner has to be available for interrogation but his detention may not required at this stage. Hence, the following:

ORDER

Petition is allowed with following conditions:

- (i) In the event of arrest of the petitioner in Crime No. 156/2013 of Basavakalyan Police Station he shall be enlarged on bail on his executing a bond for Rs. 25,000/- with one surety for the like sum to the satisfaction the arresting police officer;
- (ii) That the petitioner shall surrender before the police within 10 days from today;
- (iii) That the petitioner is required to be in the police custody for a period of 3 days initially for the purpose of interrogation/identification/recovery etc. and on those days he is required to be kept in police custody only between 8:00 a.m. and 6:00 p.m. The IO is at liberty to file an application before the jurisdictional magistrate if further custody is required for the purpose of investigation;
- (iv) That the petitioner shall appear before the police station as and when summoned by the police thereafter and also obtain regular bail from the jurisdictional magistrate by filing an application within 15 days from the date of his release from the police station.
- (v) This bail order shall be in force till the disposal of the bail application by the learned Magistrate.