

**(2025) 02 KAR CK 0850**

**In the Karnataka High Court, Principal Bench**

**Case No :** Criminal Petition No. 1561 Of 2025 (438(Cr.Pc), 482(BNSS))

Shanmuga Raj & Ors.

APPELLANT

Vs

State By C.C.B. Bangalore City Police Rep. By Learned Public  
Prosecutor, High Court Of Karnataka, Bangalore-560001

RESPONDENT

**Date of Decision :** 04-02-2025

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 406, 420, 465, 468, 471, 406, 420, 465, 468, 471  
Code Of Criminal Procedure, 1973 — Section 439(1)(b)

**Citation :** (2025) 02 KAR CK 0850

**Hon'ble Judges :** Mohammad Nawaz, J

**Bench :** Single Bench

**Advocate :** D.P Mahesh, Rangaswamy R

**Final Decision :** Allowed

## Judgement

Mohammad Nawaz, J

1. Petitioners are arraigned as accused as Nos.1 and 2 in FIR No. 30/2024 registered by CCB Bengaluru City Police Station, Bengaluru City, for offences punishable under Section 406, 420, 465, 468, 471 read with Section 34 of IPC.

2. The learned Sessions Judge vide order dated 21.10.2024, in Crl.Misc.No.9274/2024 was pleased to enlarge the petitioners on anticipatory bail imposing conditions. Vide condition No.1, petitioners were directed to appear before the Investigating Officer within 15 days from the date of the order. Since, the petitioners did not appear within the stipulated time, they filed an application under Section 439(1)(b) of Cr.P.C., to relax condition No.1. The learned Sessions Judge has rejected the said application vide order dated 22.01.2025.

3. In view of the rejection of the application seeking relaxation of condition No.1, petitioners are apprehending arrest in the above case registered against them.

4. Learned counsel for petitioners has submitted that petitioners are husband

and wife. Petitioner No.2 was advised rest by the doctor, as she had undergone umbilical hernia surgery. He has produced certain medical documents pertaining to petitioner No.2 at Annexure-F.

5. The learned Sessions Judge while rejecting the prayer seeking modification of condition No.1, has observed that almost 3 months 18 days are lapsed and petitioners have not appeared before the Investigating Officer to comply the condition.

6. Considering the reasons stated by the petitioners and also considering that petitioners were granted anticipatory bail by the learned Sessions Judge, an opportunity may be given to the petitioners to appear before the Investigating Officer by granting some more time. Hence, the following:-

#### ORDER

i) Petition is allowed.

ii) Condition No.1 imposed in Crl.Misc.No.9274/2024 dated 21.10.2024 passed by the Court of the LIX Additional City Civil and Sessions Judge, Bengaluru City, is hereby modified as under:

a) Petitioners / Accused No.1 and 2 shall appear before the Investigating Officer within 10 days from today and they shall make themselves available for investigation as and when called by the Investigating Officer and co-operate with the investigation of the case.

b) All other conditions shall be intact and they shall be strictly complied by the petitioners.