

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MAY, 2022

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION No.4111 OF 2022

BETWEEN:

1. PRATHIKA RAI BELLYA,
W/O PAWAN,
AGED ABOUT 33 YEARS,
R/A PAWAN VIHAR,
NEAR OVER BRIDGE,
THOKKOTTU, ULLAL, MANGALORE,
D.K. DISTRICT - 575 020.
2. SMT. HARINI SHETTY @
HARINAKSHI N SHETTY,
W/O NARAYANA V SHETTY,
R/A NO.17-13-1049/10,
FALNIR MANNER, A BLOCK G3,
KAPRIGUDDA, NEAR K M C
BOYS HOSTEL, ATTAVARA,
MANGALORE, DAKSHINA KANNADA,
MANGALORE,
KARNATAKA - 575 001.

... PETITIONERS

(BY SRI MUZAFFAR AHMED, ADVOCATE)

AND:

STATE BY ASHOK NAGAR P.S.,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BANGALORE - 560 001.

... RESPONDENT

(BY SRI S.VISHWA MURTHY, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.60/2022 OF ASHOK NAGAR P.S., BENGALURU CITY FOR THE OFFENCES P/U/S 463, 464, 465, 468, 469, 420 OF IPC ON THE FILE OF THE 29TH A.C.M.M COURT MAYO HALL, BENGALURU.

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

ORDER

The petitioners, who are accused Nos.1 and 2 in Crime No.60/2022 registered by Ashok Nagar, Police Station, Bengaluru, have preferred this petition under Section 438 of Cr.P.C. seeking anticipatory bail.

2. The facts of the case that are relevant for disposal of this petition are, that on 04.03.2022, a complaint has been lodged by one Shamik Jhaveri, who is the Branch Manager of M/s. International Gemological Institute, situated at Residency Road, Bengaluru, alleging that the firm in which he is working is engaged in the business of issuing purity report of Diamond jewelry. On 01.02.2022, they received two e-mails from different persons enquiring about the

genuineness of the certificates said to have been issued by the petitioners herein after receiving a sum of Rs.31,000/- and Rs.30,000/- respectively for the purpose of issuing such certificates. On verification, it was found that the certificates issued by the petitioners were concocted documents and they were not representing the firm namely, International Gemological Institute. It is under these circumstances, the complaint was lodged on 04.03.2022 before the Ashok Nagar Police Station, Bengaluru. On the basis of the same, FIR was registered in Crime No.60/2022 against the petitioners herein for the offences punishable under Sections 463, 464, 465, 468, 469 and 420 of IPC. The bail application filed by the petitioners under Section 438 of Cr.P.C. before the XXVI Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru, in Crl.Misc.Nos.25351/2022 and 25350/2022 respectively, came to be dismissed by the said Court on 25.04.2022. Hence, the petitioners are before this Court.

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

4. The allegation in the complaint lodged on 04.03.2022 by the Branch Manager of M/s. International Gemological Institute is to the effect that the petitioners have issued duplicate certificates in the name of the firm and even collected a sum of Rs.31,000/- and Rs.30,000/- respectively, for issuing such certificates. The alleged offences are neither punishable with death nor with life imprisonment. The petitioners are ladies, who are aged about 33 and 38 years respectively. The alleged certificates said to have been issued by the petitioners are available with the complainant for the purpose of investigation.

5. Under the circumstance, I am of the considered view that the petitioners have made out a case for grant of anticipatory bail. Hence, the following:

Order

The Criminal Petition is allowed.

The respondent-Police are directed to release the petitioners on bail in the event of their arrest in Crime No.60/2022 registered by Ashok Nagar Police, Bengaluru, for the offences punishable under Sections 463, 464, 465, 468, 469 and 420 of IPC, subject to the following conditions;

- i) *Petitioners/accused Nos.1 and 2 shall surrender before the Investigating Officer within ten days from the date of receipt of certified copy of this order and shall execute a personal bond for a sum of Rs.2,00,000/- each with one surety for the likesum to the satisfaction of the concerned Investigating Officer;*
- ii) *They shall co-operate with the Investigating Officer to complete the investigation and shall appear before the Investigating Officer, as and when called for;*
- iii) *They shall not indulge in tampering the prosecution witnesses either directly or indirectly; and*

- iv) *They shall appear before the Trial Court on all hearing dates unless their appearance is exempted by the said Court for valid reasons.*

**Sd/-
JUDGE**

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