

**The Hon'ble Sri Justice J.Sreenivas Rao**

**Criminal Petition No.6785 of 2025**

**Order:**

This Criminal Petition is filed by the petitioner/accused, seeking anticipatory bail under Section 482 of Bharatiya Nagrik Suraksha Sanhita (BNSS), in connection with Crime No.147 of 2025 of Thangallapalli Police Station, Rajanna Sircilla District, registered for the offence punishable under Section 420 of IPC.

2. Heard Mr. Srinivasa Rao, learned counsel for the petitioner/accused and Mr. Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for the respondent/State.

3. The case of the prosecution is that petitioner/accused approached the defacto-complainant and offered assistance to establish power loom shed at Baddenapalli Textile Park, claiming experience in the filed, as such an agreement was made between them for purchase of 30 power loom machines

from China, each costing Rs.3,50,000/- total Rs.1,50,00,000/- and payments were made by the complainant to the petitioner in between 29.01.2021 and 15.09.2021 through bank and after arrival of machines at Mumbai seaport, as complainant could not provide EPGC bank guarantee, the petitioner warned that the machines would be seized and complainant paid Rs.20,00,000/- as penalty and during installation power loan technicians discovered the machines were counterfelt, complainant was defrauded of approximately Rs.50,00,000/- and petitioner had also promised to return the EPGC guarantee, but to date, failed to do so.

4. Learned counsel for the petitioner/accused submits that the petitioner has not committed any offence and he was falsely implicated in the aforesaid crime. He further submitted that the defacto complainant issued cheque, when the said cheque was dishonored, the petitioner got issued legal notice invoking the provisions of Negotiable Instruments Act, 1881.

On 05.04.2025 after receiving the said notice, the defacto complainant with an oblique motive filed present complaint, basing on the same Crime No.147 of 2025 was registered, though the ingredients under Section 420 of IPC does not attract. He further submitted that the petitioner approached learned Sessions Judge and filed Crl.M.P.No.208 of 2025 and the trial Court without properly considering the contentions of the petitioner, dismissed the bail application on 26.05.2025. He further submitted that the petitioner is ready and willing to cooperate with the investigating officer and also abide by the conditions that may be imposed by the Court.

5. *Per Contra*, learned Additional Public Prosecutor submits that there are specific allegations leveled against the petitioner and the ingredients under Section 420 of IPC are applicable and the investigating officers issued notice on 05.04.2025 under Section 35(3) of BNSS, in spite of the same, the petitioner is

not cooperating with the investigation. Hence, the petitioner is not entitled for grant of anticipatory bail.

6. Having considered the rival submissions made by the learned counsel for the parties and on perusal of the record, it reveals that there are monetary disputes pending between the petitioner and the defacto complainant and the petitioner got issued legal notice on 05.04.2025 under Section 138 of Negotiable Instruments Act, 1881. The record further discloses that subsequently, the defacto complainant lodged a complaint on 17.04.2025. Even according to the learned Additional Public Prosecutor, the investigating officer has already issued notice to the petitioner under Section 35(3) of BNSS.

7. Taking into consideration of the facts and circumstances of the case and as the petitioner is not having any criminal antecedents, this Court is inclined to grant anticipatory bail to the petitioner/accused subject to the following conditions:

(i) Petitioner/accused is directed to surrender before the Station House Officer, Thangallapalli Police Station, on or before 23.06.2025;

(ii) On such surrender, the Station House Officer of Thangallapalli Police Station, shall release the petitioner on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a likesum each to the satisfaction of the said Officer;

(iii) On such release, petitioner/accused shall appear before the Station House Officer, Thangallapalli Police Station, on every Saturday at 11:00 a.m., for a period of eight weeks for the purpose of investigation and thereafter, as and when required for investigation.

(iv) Petitioner/accused shall abide by the conditions stipulated under Section 438(2) of the Criminal Procedure Code, 1973/ Section 482 of BNSS and shall cooperate with the investigation officer for conclusion of investigation.

8. Subject to the above directions, the Criminal Petition is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Date: 17.06.2025  
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**J.SREENIVAS RAO, J**

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