



CRL.P No. 6573 of 2022

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 02<sup>ND</sup> DAY OF AUGUST, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

**CRIMINAL PETITION NO. 6573 OF 2022**

**BETWEEN:**

1. YOGANAND M BANAKAR  
S/O MAHADEVAPPA BANAKAR @ MAHADEVAPPA  
BANKARA  
AGED ABOUT 48 YEARS  
R/O OM SHIVA NILAYA  
SIDDAPPA BANAKA  
FLOOR MILL  
WARD NO.2  
KAVALETTU VILLAGE  
RANEBENUR TALUK  
HAVERI DISTRICT-581115

...PETITIONER

(BY SRI. G.J.SUNKAPUR, ADVOCATE)

**AND:**

1. THE STATE BY  
BASAVANAGARA POLICE STATION  
DAVANAGERE  
REPT BY LEARNED PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA





**CRL.P No. 6573 of 2022**

BANGALORE-560001

...RESPONDENT

(BY SRI.K.S. ABHIJITH, HCGP)

THIS CRIMINAL PETITION IS FILED U/S.439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.83/2021 OF BASAVANAGARA P.S., DAVANAGERE FOR THE OFFENCE P/U/S. 406, 420 OF IPC AND SEC.66(c) OF INFORMATION TECHNOLOGY ACT 2000 BY ALLOWING THIS PETITION PENDING ON THE FILE OF I ADDITIONAL CIVIL JUDGE AND JMFC, DAVANAGERE.

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

**ORDER**

The subject petition is filed under Section 439 of the Cr.P.C. by the petitioner – sole accused, seeking enlargement on bail in relation to Crime No.83/2021 registered by the respondent – police for offences punishable under Sections 406 and 420 of the IPC and Section 66C of the Information Technology Act, 2000.

2. Heard Sri G.J.Sunkapur, learned counsel for the petitioner and Sri K.S.Abhijith, learned High Court Government Pleader for the respondent.



**CRL.P No. 6573 of 2022**

3. The case as projected by the prosecution is that, the complainant, a senior citizen opens an account in State Bank of India and applies for a ATM card to make transactions with the Bank. On 25.11.2021, in between 3.04 p.m. to 3.20 p.m., the complainant visits the ATM Centre at Mandipete road, Davanagere to withdraw money. At that point, CW.10 had helped the complainant to withdraw Rs.5,000/- from his account. The accused who was near the ATM Centre entered with a bag on his shoulder, in order to cheat the complainant started talking with him and obtains the PIN of the ATM card of the complainant. After which, it is alleged that the accused has withdrawn Rs.69,200/- from the account of the complainant at different ATM Centres. Based on the said complaint, the accused was taken to judicial custody and he is in custody since then. The police after investigation has filed charge sheet for the aforesaid offences.

4. An application was preferred seeking enlargement of bail before the concerned Court, by the petitioner, only to be turned down by an order dated 28.06.2022, notwithstanding the filing of the charge sheet. It is turning down of the



**CRL.P No. 6573 of 2022**

application seeking enlargement on bail, the petitioner is before this Court in the subject petition.

5. Learned counsel for the petitioner submits that the petitioner has no criminal antecedents, it is only the subject case at hand that he is into and would submit that the amount of Rs.69,200/- that is withdrawn from different ATM Centres, has already been recovered from the hands of the petitioner.

6. Learned High Court Government Pleader would refute the submissions to contend that the offences committed by the petitioner is against the Society and therefore, the petition needs to be rejected.

7. I have given my anxious consideration to the submissions made by the learned counsel for both the parties and perused the material on record.

8. The afore-narrated facts are not in dispute. The allegation against the petitioner is that, he had misused the ATM card of the complainant and had withdrawn amount to the tune of Rs.69,200/-. The police after investigation have filed a charge sheet in the matter for offences punishable under



**CRL.P No. 6573 of 2022**

Sections 406 and 420 of the IPC and Section 66C of the Information Technology Act, 2000.

9. The records placed before the Court would indicate that the amount of Rs.69,200/- has already been recovered from the hands of the petitioner. The crime that is alleged against the petitioner are ones punishable under Sections 406 and 420 of the IPC, which are not heinous offences or offences against the State and are punishable with imprisonment upto three years and seven years respectively. They are definitely not against the Society. The police having filed the charge sheet before the concerned Court, the petitioner is not required for custodial interrogation. In the considered view of this Court, the petitioner is entitled to be enlarged on bail on imposing stringent conditions.

10. For the aforesaid reasons, I pass the following:

**ORDER**

The Criminal Petition is allowed and the petitioner is directed to be released on bail in connection with Crime No.83/2021 of Basavanagara Police Station pending on the



**CRL.P No. 6573 of 2022**

file of I Additional Civil Judge and JMFC, Davanagere for the aforesaid offences, with the following conditions:

- (i) The petitioner shall furnish a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one solvent surety for the like sum to the satisfaction of the trial Court;
- (ii) The petitioner shall be regular in appearing before the Court on every date of hearing as also when called upon to do so by the trial Court;
- (iii) The petitioner shall not tamper with evidence or cause any threat to any of the prosecution witness/s in any manner.
- (v) The petitioner shall not leave the jurisdiction of this Court without prior permission.
- (vi) In the event of violation of any of the above terms, the above bail shall stand automatically cancelled.

The observations made above are only for the purpose of consideration of the application for bail and the same shall not in any manner influence the trial. The trial



**CRL.P No. 6573 of 2022**

Court shall consider the case on its merits and without being influenced by this order.

**Sd/-  
JUDGE**

SJK/nvj