



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

**DATED THIS THE 12<sup>TH</sup> DAY OF DECEMBER, 2022**

**BEFORE**

**THE HON'BLE MR JUSTICE RAJENDRA BADAMIKA**

**CRIMINAL PETITION NO. 10979 OF 2022**

**BETWEEN:**

SMT. SILMIA @ SILMYA FATHIMA  
W/O MUZIB ABDUL MIAN @ NIYAZ  
AGED ABOUT 29 YEARS  
R/A NO.50/42, NARAYANA NABAGAN  
PUTHUPETTAI, ANNASALAI  
CHENNAI-600 002, TAMILNADU

...PETITIONER

(BY SRI. MANJUNATHA A C, ADVOCATE)

**AND:**

STATE OF KARNATAKA  
BY CHANDRA LAYOUT POLICE STATION  
BENGALURU  
REPRESENTED BY S.P.P  
HIGH COURT OF KARNATAKA  
BENGALURU-560 001

...RESPONDENT

(BY SRI. K. NAGESHWARAPPA, HCGP)

THIS PETITION FILED U/S 438 OF CR.PC PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HER ARREST IN CR.NO.219/2022 OF CHANDRA LAYOUT P.S, BENGALURU CITY FOR THE OFFENCE P/U/S 420,120B R/W 34 OF IPC AND SEC.66(D) OF I.T ACT NOW PENDING ON THE





FILE OF THE LEARNED 1<sup>ST</sup> A.C.M.M AT BENGALURU VIDE ANNEXURE-A.

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

**ORDER**

This petition is filed under Section 438 of Cr.P.C. seeking anticipatory bail in the event of arrest of the petitioner/accused No.2 in Crime No.219/2022 of Chandra Layout Police Station, registered for the offences punishable under Sections 420 and 120B read with Section 34 of IPC and under Section 66D of the Information Technology Act, 2000, pending on the file of I Addl. CMM Court, Nrupatunga Road, Bangalore City.

2. Heard the arguments advanced by the learned counsel for the petitioner and learned High Court Government Pleader for respondent-State. Perused the records.

3. The brief factual matrix leading to the case are that the complainant is a business man running number of



business along with his brother and he came in contact with one accused No.3-Vinay Agarwal. Further it is alleged that the complainant was interested in establishing Sugar Factory and he was looking for raising loans for that purpose and at that time he met accused No.3 and accused No.3 got him introduced to accused No.1 and they assured him of getting loan from SBI to the tune of Rs.225 crores and a meeting was held in Chennai. It is also alleged that the complainant was required to pay commission of 7% and subsequently, a fake KYC account was created and it is asserted that the loan amount was transferred to the account of complainant to the tune of Rs.2,25,49,00,000/-. The complainant has received an e-mail also and on the basis of the same, he paid Rs.7.15 crores as 50% of the commission and when he attempted to withdraw the amount he was unable to withdraw the same. Thereafter the accused asserted that there is some problem with the account and then they assured him of getting loan from ICICI bank and sent Whatsapp message



of a DD for a sum of Rs.49,00,00,000/- but the DD was never handed over to him and later on he learn that he was cheated. It is also alleged that when he was in Chandra layout bus depo he called the petitioner to find out the whereabouts of her husband. It is alleged that at that time she abused him and told that if he pursues the matter the other accused have decided to eliminate him. Hence, lodged a complaint. The petitioner apprehending her arrest has approached the learned sessions judge and learned sessions judge has rejected the bail petition. Hence, she is before this Court.

4. Having heard the arguments and perusing the records, the allegations made in the complaint disclose that they were directed against accused Nos.1, 3, 4 and 5. The only allegation against petitioner is that when the complainant went to Chennai, accused No.1 has introduced the petitioner as his wife. No allegations were made in the entire complaint regarding payment of any



amount to the present petitioner. Even the other allegations disclose that he called her to ascertain the whereabouts of her husband then she abused him and threatened him that in case he pursues the matter they are prepared to eliminate him. Except this allegation no allegations are forthcoming as against present petitioner. The amount was never claimed to be transferred to the present petitioner. Further the offences alleged are triable by learned magistrate and not exclusively punishable with death or imprisonment for life. Moreover the petitioner is a woman and falls under the exception.

5. Under these circumstances, I do not find any impediment for admitting the petitioner on anticipatory bail. The other apprehensions raised by the learned HCGP can be meted out by imposing certain conditions. Hence, the petition needs to be allowed and accordingly, I proceed to pass the following:



**ORDER**

The petition is **allowed**.

The petitioner/Accused No.2 is directed to be enlarged on bail in the event of her arrest in Crime No.219/2022 of Chandra Layout Police Station, registered for the offences punishable under Sections 420 and 120B read with Section 34 of IPC and under Section 66D of the Information Technology Act, 2000, on her executing personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for the like-sum to the satisfaction of the Investigating Officer or the concerned trial Court subject to the following conditions:

- (i) She shall surrender herself before the Investigating Officer within fifteen days from the date of receipt of a certified copy of this order and in the event of surrender, Investigating Officer shall release her on bail as directed above.
- (ii) She shall not directly or indirectly tamper with any of the prosecution witnesses.



- (iii) She shall not indulge in any similar offences.
- (iv) She shall make herself available to the Investigating Officer for interrogation whenever called for during course of investigation.
- (v) She shall not leave the jurisdiction of the Court without prior permission.

**Sd/-  
JUDGE**

NS