IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 16TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 200426 OF 2025

(438(Cr.PC)/482(BNSS))

BETWEEN:

1. SANJEEVRAO S/O KESHAVARAO DESHPANDE,
   AGE:50 YEARS, OCC: AGRICULTURE,
   R/O. SINDAGI, TQ. SINDAGI,
   DIST. VIJAYAPURA-586128.

2. ANAND S/O APPASAHEB MUDIGOUDAR,
   AGE:55 YEARS, OCC: AGRICULTURE,
   R/O. SINDAGI, TQ. SINDAGI,
   DIST. VIJAYAPURA-586128.

...PETITIONERS

(BY SRI YASHAS S. DIKSHIT, ADVOCATE)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA,
   THROUGH SINDAGI POLICE STATION,
   DIST. VIJAYAPURA,
   REPRESENTED BY HCGP,
   HIGH COURT OF KARNATAKA,
   KALABURAGI BENCH,
   KALABURAGI-585107.

2. RAMESH S/O SHEKHARAPPA ANGADI,
   AGE:49 YEARS,
   OCC: BRANCH MANAGER OF
   SHRI BASAVESHWAR SAHAKARI
   BANK NIYAMIT, BAGALKOT BRANCH,

VIJAYAPURA,
R/O. VIJAYAPURA-586101.

…RESPONDENTS

(BY SRI JAMADAR SHAHABUDDIN, HCGP FOR R1;
SRI SHIVANAND V. PATTANASHETTI, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 482 OF BNSS,2023 PRAYING TO ALLOW THIS PETITION AND TO DIRECT THE RESPONDENT NO.1 HEREIN TO RELEASE THE ACCUSED NO.1/PETITIONER NO.1 HEREIN AND ACCUSED NO.2/PETITIONER NO.2 ON BAIL IN THE EVENT OF THEIR ARREST FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 464, 468, 470, 471, 420 R/W 34 OF IPC, IN CRIME NO.168/2024 OF SINDAGI POLICE STATION, PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC COURT SINDAGI DIST. VIJAYAPURA.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

The petitioners who are accused Nos.1 and 2 have approached this Court seeking anticipatory bail in Crime No.168/2024 registered by Sindagi Police Station, for the offences punishable under Sections 464, 468, 470, 471, 420 r/w Section 34 of IPC.

2. Brief facts of the case are that,

Petitioner No.1 is the President of Modern Education Society. Petitioner No.2 is the surety for the loan of which petitioner No.1 had borrowed. Petitioner No.1, being a President of the said Society, had availed loan of Rs.1,95,00,000/- from respondent No.2 for the purpose of development of its educational institution. Petitioner No.2 offered his land bearing Sy.No.545/1 measuring 05 acres 35 guntas situated at Sindagi village, as security. The respondent-Bank after obtaining Encumbrance Certificate for 15 years and an undertaking from petitioner No.2 not to alienate the said property, sanctioned the loan to petitioner No.1.

Petitioner No.1 became defaulter and therefore, respondent No.2 proceeded to recover the amount from petitioner No.2. On verification, the Bank came to know that the property which was mortgaged had already been sold to one Sunil Hallur under the registered sale deed dated 27.06.2016. Hence, the Bank lodged the complaint against the petitioners.

3. Heard Sri.Yashas S.Dikshit, learned counsel for the petitioners, Sri.Jamadar Shahabuddin, learned High Court Government Pleader for respondent No.1 and Sri.Shivanand V.Pattanashetti, learned counsel for respondent No.2.

4. It is the submission of the learned counsel for the petitioners that the offences alleged against the petitioners are neither punishable with death nor imprisonment for life. The petitioners are permanent residents of Sindagi Taluk and aged about 50 and 55 years respectively.

5. It is further submitted that though there are some allegations made against them that the petitioners have cheated the Bank and obtained loan of Rs.1,95,00,000/-, the fact remains that the said loan is stated to have been sanctioned on 29.03.2021 however, the property which was offered as security to the Bank

was sold on 27.06.2016 i.e., much prior to the sanctioning of loan.

6. It is further submitted that the officials of the Bank must have colluded with the petitioners and should have sanctioned the loan knowingly that it was already sold to some other person. It is needless to say that the bankers have verified the document before sanctioning the loan.

7. It is further submitted that now the complainant has adopted the coercive method to recover the amount from the petitioners which is untenable and therefore, the petitioners may be enlarged on bail.

8. *Per contra*, learned High Court Government Pleader vehemently submitted that petitioner Nos.1 and 2 have committed fraud to the Bank and obtained loan by producing the fake documents as security. The public money is involved in the said scheme or scam. Therefore,

it is not appropriate to grant bail. Making such submissions, he prays to dismiss the petition.

9. Having heard the learned counsel for the respective parties and also perused the averments of the complaint and FIR, it appears from the record that loan stated to have been sanctioned on 29.03.2021 obtaining the property documents of petitioner No.2 as security however, the sale deed in respect of the said property was executed on 27.06.2016. Having considered the facts and circumstances of the case, it is appropriate to grant bail to the petitioners by imposing suitable conditions which would take care of the apprehension expressed by the prosecution.

10. Accordingly, I pass the following:

ORDER

The Criminal Petition is ***allowed***.

The respondent/Police is directed to release the petitioners on bail in the event of their arrest in Crime

No.168/2024 registered by Sindagi Police Station, for the offences punishable under Sections 464, 468, 470, 471, 420 r/w Section 34 of IPC pending before the Senior Civil Judge and JMFC Court, Sindagi, Vijayapura, subject to the following conditions:

i. The petitioners shall execute personal bonds for a sum of Rs.1,00,000/- each with one surety each for the likesum to the satisfaction of the Investigating Officer.

ii. The petitioners shall appear before the investigating officer within a period of one month from today to furnish the sureties and also execute the bonds.

iii. The petitioners shall co-operate with the investigation and they shall appear before the investigating officer as and when required.

iv. The petitioners shall not threaten or tamper the prosecution witnesses.

v. The petitioners shall appear before the Trial Court after filing of the charge sheet on all the hearing dates without fail.

Sd/-
(S RACHAIAH)
JUDGE

NB
List No.: 1 Sl No.: 1
CT:PK