IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 200562 OF 2025

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

BETWEEN:

MUSALANNA GARI SOMASHEKHAR REDDY,
S/O M. ADINARAYANA REDDY,
AGE:30 YEARS, OCC: ASST. MANAGER
AT RAMCO CEMENTS LTD.,
R/O. KANISETTIPALLI VILLAGE,
CHILAMATHUR MANDAL,
DIST. ANANTPUR (ANDHRA PRADESH),
NOW AT WARD NO. 4 VENAKTESHWAR NAGAR,
CHITTAPUR, TQ. CHITTAPUR,
DIST. KALABURAGI-585 211.

...PETITIONER

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

(BY SRI MARTHANDAPPA MALLESHAPPA ALLUR, ADVOCATE)

AND:

THE STATE THROUGH CHITTAPUR P S.,
TQ. CHITTAPUR, DIST. KALABURAGI,
REPRESENTED BY ADDITIONAL SPP,
HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585 107.

...RESPONDENT

(BY SRI GOPALKRISHNA B.YADAV, HCGP)

THIS CRL.P IS FILED U/S. 482 OF BNSS,2023 PRAYING TO ALLOW THE CRIMINAL PETITION FILED BY THE

PETITIONER/ACCUSED NO.1 U/S 482 OF BNSS, 2023 AND ISSUE DIRECTIONS TO RESPONDENT POLICE TO RELEASE HIM ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.11/2025 OF CHITTAPUR P.S. NOW PENDING ON THE FILE OF CIVIL JUDGE (JR.DN) AND JMFC COURT, CHITTAPUR IN FIR NO.32/2025 FOR THE ALLEGED OFFENCES PUNISHABLE U/S 61(2), 314, 316(5), 318(4), 340(2), 336(3) OF BNS, 2023.

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 petitioner who is accused No.1 has approached this Court seeking anticipatory bail in Crime No.11/2025 registered by Chittapur Police Station for the offences punishable under Sections 61(2), 314, 316(5), 318(4), 340(2), 336(3) of BNS, 2023.

2. Brief facts of the case are that,

It is the case of the prosecution that on 27.02.2025 at about 11.00 a.m., the complainant filed a complaint before the PSI of Chittapur Police Station stating that he was working as Senior Manager Laision at Ramco Cement company at Chennai. The company had appointed the

petitioner and another for the purpose of purchasing the land in the name of the company.

It is further stated that the petitioner herein had submitted the report stating that he has purchased 948 acres of land within the limits of the said proposed company. However, on inspection, it was found that there were shortage of 07 acres of land and the amount of Rs.1,34,90,000/- stated to have been misappropriated by the petitioner and another. Accused No.1 who is the petitioner herein stated to have deposited a sum of Rs.14,00,000/- on 01.02.2025 and also promised that he would pay the entire amount on or before 21.02.2025 however, he has not deposited the balance. Hence, the case came to be registered against the petitioner.

Based on the complaint, the jurisdictional Police have registered case in Crime No.11/2025 for the offences stated supra.

3. Heard Sri.Marthandappa Malleshappa Allur, learned counsel for the petitioner and Sri.Gopalkrishna B.Yadav, learned High Court Government Pleader for the respondent-State.

4. It is the submission of the learned counsel for the petitioner that the petitioner is innocent of the alleged offences and the petitioner had no intention to commit either forgery or cheating. However, due to oversight, the entry has been made in the report submitted to the authority. After coming to know the said defect, the petitioner voluntarily deposited an amount of Rs.14 lakhs. As the petitioner has not deposited the remaining amount within the stipulated period, the Company deliberately registered a case in order to use coercive methods to recover the amount. As the allegations made in the complaint are civil in nature, criminality cannot be enforced against the petitioner. Making such submissions, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader submitted that the petitioner being an employee of the complainant-Company had submitted false accounts stating that he had purchased 948 acres of land and received the amount for having purchased the property and misappropriated the amount to the extent of Rs.1,34,90,000/- and thereby, he had admitted the said misappropriation by depositing an amount of Rs.14 lakhs. Hence, it is not appropriate to grant him bail. Making such submissions, he prays to reject the bail petition.

6. Having heard the learned counsel for the respective parties and also perused the averments of the complaint, the petitioner was working as an employee in the complainant-Company. It is admitted fact that he had misappropriated the amount as stated supra and it is also an admitted fact that he has deposited an amount of Rs.14 lakhs.

7. Be that as it may, the offences made out against the petitioner though appears to be serious in

nature, the fact remains that the alleged offences are not punishable with death or imprisonment for life. In fact, the petitioner has admitted that he would repay the amount however, he has not deposited the said amount. It can be said that it is mere a breach of contract therefore, the petitioner is entitled for the relief as prayed for.

8. Hence, I proceed to pass the following:

ORDER

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

The respondent/Police is directed to release the petitioner on bail in the event of his arrest in Crime No.11/2025 registered by Chittapur Police Station for the offences punishable under Sections 61(2), 314, 316(5), 318(4), 340(2), 336(3) of BNS, 2023 pending before the Civil Judge (Jr., Dn.,) and JMFC Court, Chittapur, subject to the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with one

surety for the likesum to the satisfaction of the Investigating Officer.

(ii) The petitioner shall appear before the respondent/Police for the purpose of investigation.

(iii) The petitioner shall not threaten or tamper the prosecution witnesses.

(iv) The petitioner 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.: 3
CT:PK