

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF APRIL, 2021

BEFORE

THE HON'BLE MR. JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.1958 OF 2021
CONNECTED WITH
CRIMINAL PETITION NOS.1671, 1959, 2186,
2269 AND 2331 OF 2021

IN CRL.P. NO.1958/2021:

BETWEEN:

SRI YUVARAJ
S/O. RAMDAS,
AGED ABOUT 45 YEARS,
NO.161, SRI VAIBHAVAKSHMI NILAYA,
NAGARBHAVI,
BENGALURU - 560 072.

... PETITIONER

(BY SRI TCMY SEBASTIAN, SENIOR COUNSEL, ALONG WITH
MISS MELANIE SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY HIGH GROUNDS POLICE STATION,
BENGALURU CITY,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

... RESPONDENT

(BY SRI V.M. SHEELAVANT, S.P.P.-I)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.75 OF 2020 REGISTERED BY HIGH GROUNDS POLICE STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 406, 420, 504 AND 506 OF THE IPC.

IN CRL.P. NO.1671/2021:

BETWEEN:

SRI YUVARAJ
S/O. RAMDAS,
AGED ABOUT 45 YEARS,
NO.161, SRI VAIBHAVALAKSHMI NILAYA,
NAGARBHAVI,
BENGALURU - 560 072.

... PETITIONER

(BY SRI TOMY SEBASTIAN, SENIOR COUNSEL, ALONG WITH
MISS MELANIE SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY CYBER CRIME POLICE STATION,
BENGALURU CITY,
INVESTIGATED BY C.C.B., BENGALURU,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

... RESPONDENT

(BY SRI V.M. SHEELAVANT, S.P.P.-I)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.40 OF 2020 (C.C. NO.3090/2021) REGISTERED BY CYBER CRIME POLICE STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 420, 406, 419, 506 AND 120B READ WITH SECTION 34 OF THE IPC AND UNDER SECTION 66 OF THE IT ACT.

IN CRL.P. NO.1959/2021:

BETWEEN:

SRI YUVARAJ
S/O. RAMDAS,
AGED ABOUT 45 YEARS,
NO.161, SRI VAIBHAVALAKSHMI NILAYA,
NAGARBHAVI,
BENGALURU – 560 072.

... PETITIONER

((BY SRI TOMY SEBASTIAN, SENIOR COUNSEL, ALONG WITH
MISS MELANIE SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY HIGH GROUNDS POLICE STATION,
BENGALURU CITY,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU – 560 001.

... RESPONDENT

(BY SRI V.M. SHEELAVANT, S.P.P.-I)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF
THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
CRIME NO.74 OF 2020 REGISTERED BY HIGH GROUNDS POLICE
STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 406, 419, 420, 504 AND 506 OF THE IPC.

IN CRL.P. NO.2186/2021:

BETWEEN:

SRI YUVARAJ
S/O. RAMDAS,
AGED ABOUT 48 YEARS,
NO.161, 8TH MAIN ROAD,
4TH CROSS, 15TH BLOCK,
NGEF LAYOUT, NAGARBHAVI 2ND STAGE,
BENGALURU – 560 072.

... PETITIONER

(BY SRI TOMY SEBASTIAN, SENIOR COUNSEL, ALONG WITH
MISS MELANIE SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY JNANABHARATHI POLICE STATION,
BENGALURU CITY,
REPRESENTED BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU – 560 001.

... RESPONDENT

(BY SRI V.M. SHEELAVANT, S.P.P.-I)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF
THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
CRIME NC.13 OF 2021 REGISTERED BY JNANABHARATHI POLICE
STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 418 AND 420 OF THE IPC.

IN CRL.P. NO.2269/2021:

BETWEEN:

SRI YUVARAJ
S/O. RAMDAS,
AGED ABOUT 48 YEARS,
NO.161, 8TH MAIN,
14TH BLOCK, NAGARBHAVI 2ND STAGE,
BENGALURU – 560 072.

... PETITIONER

(BY SRI TOMY SEBASTIAN, SENIOR COUNSEL, ALONG WITH
MISS MELANIE SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY HIGH GROUNDS POLICE STATION,
BENGALURU CITY,
INVESTIGATED BY C.C.B.,
BENGALURU,
REPRESENTED BY SPECIAL PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU – 560 001.

... RESPONDENT

(BY SRI V.M. SHEELAVANT, S.P.P.-I)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF
THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
CRIME NO.4 OF 2021 REGISTERED BY HIGH GROUNDS POLICE
STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 406, 420 AND 506 OF THE IPC.

IN CRL.P. NO.2331/2021:

BETWEEN:

SRI YUVARAJ
S/O. RAMDAS,
AGED ABOUT 45 YEARS,
NO.161, 8TH MAIN ROAD,
4TH CROSS, 14TH BLOCK,
NGEF LAYOUT, NAGARBHAVI 2ND STAGE,
BENGALURU – 560 072.

... PETITIONER

(BY SRI TOMY SEBASTIAN, SENIOR COUNSEL, ALONG WITH
MISS MELANIE SEBASTIAN, ADV.)

AND:

STATE OF KARNATAKA
BY JNANABHARATHI POLICE STATION,
BENGALURU CITY,
INVESTIGATED BY C.C.B.,
BENGALURU,
REPRESENTED BY THE PUBLIC PROSECUTORS OFFICE,
HIGH COURT BUILDING,
BENGALURU – 560 001.

... RESPONDENT

(BY SRI V.M. SHEELAVANT, S.P.P.-I)

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THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF THE CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.12 OF 2021 REGISTERED BY JNANABHARATHI POLICE STATION, BENGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 420, 504 AND 506 OF THE IPC.

THESE CRIMINAL PETITIONS ARE HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 30-3-2021 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

ORDER

These petitions are filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, (for short, 'the Cr.P.C.')

for granting regular bail in different crime numbers registered by Cyber Crime Police, High Grounds Police and Jnanabharathi Police for the offences punishable under Sections 406, 418, 419, 420, 504 and 506 of the Indian Penal Code, 1860 (for short, 'the IPC') and under Section 66 of the Information Technology Act, 2000 (for short, 'the IT Act').

2. The case of the prosecution in Criminal Petition No.1671 of 2021 is that, on 14-12-2020, Cyber Crime Police registered a case against the petitioner on the complaint of Sri Sudheendra Reddy K.P. alleging that the petitioner received Rs.1.00 crore from the complainant on the assurance to provide a post of Chairman at K.S.R.T.C., but he has not provided the job and thereby, cheated the complainant. After registering the case, the Police

arrested the petitioner on 17-12-2020 and remanded him to judicial custody.

3. In Criminal Petition No.1959 of 2021, High Grounds Police registered a case in Crime No.74 of 2020 on the complaint of Dr. Gururaj Ravi alleging that, the petitioner received Rs.6.50 crore from the complainant with assurance to settle the property dispute, but he has not settled the same.

4. In Criminal Petition No.1958 of 2021, High Grounds Police registered a case in Crime No.75 of 2020 on the complaint of Anandha Kumar Kola alleging that, the petitioner received Rs.1.50 crore through RTGS and cash with an assurance to get him the post of Chairman at Central Silk Board, Karnataka, but not provided any post and thereby, cheated the complainant.

5. In Criminal Petition No.2269 of 2021, High Grounds Police registered a case in Crime No.4 of 2021 on

the complaint of Enith Kumar M.C. alleging that, the petitioner received Rs.30.00 lakh for getting him the post of Chairman in Central Silk Board, but not provided the post and thereby, cheated the complainant.

6. In Criminal Petition 2331 of 2021, Jnanabharathi Police registered a case in Crime No.12 of 2021 on the complaint of Narasimha Swamy G. alleging that, the petitioner received Rs.30.00 lakh and assured to provide a job to his son as Assistant Executive Engineer, but not provided the job and thereby, cheated the complainant.

7. In Criminal Petition No.2186 of 2021, Jnanabharathi Police registered a case in Crime No.13 of 2021 on the complaint of Govindaih alleging that, the petitioner received Rs.30.00 lakh to secure a job at KMF for his son-in-law as Marketing Manager and not provided the job.

8. The Cyber Crime Police arrested the petitioner on 17-12-2020 in Crime No.40 of 2020. The Police recovered the documents, cash and other material from the possession of the petitioner and he was remanded to judicial custody. Subsequently, the Police have registered the cases against the petitioner and the presence of the petitioner was secured through body warrant. The Police have already filed charge-sheet in Crime Nos.40, 74 and 75 of 2020 and they are yet to file the charge-sheet in other cases.

9. Sri Tomy Sebastian, learned Senior counsel for the petitioner, has contended that the petitioner is innocent of the alleged offences and he has been falsely implicated by the Police on the complaint filed by him against the Joint Commissioner of Police, CCB, to Lokayukta. Therefore, the petitioner was arrested in Crime No.40 of 2020 and later, the Police have called the complainants and received complaints from them and

registered the cases against the petitioner. In fact, none of the victims have lodged the complaint to the Police. The petitioner approached this High Court for quashing unregistered complaint by filing Writ Petition No.14454 of 2020 and subsequently, the Police developed the cases and registered the cases by implicating the petitioner falsely. The amounts received by the petitioner have been already recovered by the Police and they have also seized the Bank accounts of the petitioner. The Police have already filed charge-sheet in Crime Nos.40, 74 and 75 of 2020 and in another three cases, the Police are likely to file charge-sheet within short period. Hence, the presence of the petitioner is no more required for investigation. Wilson Garden Police registered a case in Crime No.125 of 2020 on the ground that he received Rs.8.50 crore from Indrakala for getting a Central Government job and the petitioner has been granted bail by the trial Court and in the said case, the charge-sheet has already been filed. The alleged offences are not punishable either with death

or imprisonment for life. Keeping the petitioner in custody will not serve any purpose. The petitioner is ready to abide by any of the conditions that may be imposed by the Court and will co-operate with the Investigating Officer for further investigation, if any. The learned counsel has relied upon the judgment of the Co-ordinate Bench of this Court in the case of **MOHAMMAD MANSOOR KHAN v. THE DIRECTORATE OF ENFORCEMENT** (Criminal Petition No.4580 of 2020 disposed of on 19-10-2020), wherein the accused therein has been granted bail and the case of the petitioner is similar to that of the accused therein. Hence, he prayed for allowing the petitions.

10. Sri V.M. Sheelavant, learned Special Public Prosecutor-I, has seriously objected the bail petitions and contended that, the petitioner cheated so many persons by receiving huge money from them with false assurance to provide jobs and not provided them. The Police have recovered huge cash and filled cheques from the custody

of the petitioner. The petitioner is a proclaimed offender in a case registered by Upparpet Police in the year 2003 itself. He has cheated eight students with regard to admission in Dental College. In the said cases, the petitioner was absconding for almost 16 years. Split up charge-sheets have been filed. The petitioner has changed his name from Sevalal Sangana Basavaswamiji to Yuvaraj. Though the Police have recovered documents and filled cheques from the custody of the petitioner, but they are yet to investigate the matter with regard to cash transactions made and received by the petitioner. The Police are required to file additional charge-sheet. The petitioner is very influential person and is in contact with Ministers and bureaucrats. The petitioner is yet to disclose the names of the persons to whom he has paid the money. Even, Income Tax Department and the Directorate of Enforcement are also verifying the case for taking cognizance of the offences and are making enquiry to take the custody of the petitioner to further investigate

in the case. The petitioner has done cash transactions of Crores and has cheated many and most of them have not lodged the complaint. The petitioner had 18 bank accounts, 11 bank accounts in the name of his wife, 2 bank accounts in the name of his son-in-law and 2 bank accounts in the name of his daughters and he has purchased 26 properties out of the amount received from the complainants. The Police are still trying to unearth the cash and other offences committed by the petitioner. If the petitioner is granted bail, he may tamper with the prosecution witnesses, commit similar offences and abscond from the case. Hence, he prayed for dismissing the petitions.

11. In reply, the learned Senior counsel has contended that, on the basis of the complaints of the students, who were admitted in Sevalal College of Dental Science and Hospital in anticipation of the confirmation of the pending affiliation to Rajiv Gandhi University, as the

affiliations were not materialised during the academic year of the admission of those students, cases were registered against the petitioner. However, amounts have already been settled by the petitioner in the year 2009 itself. Since the affiliation was not granted, it is not the fault of the petitioner and that issue has nothing to do with the present cases. Hence, he prayed for granting bail.

12. Upon hearing the arguments of the learned Senior counsel in all the cases and learned SPP for the State and on perusal of the allegations made against the petitioner in Crime No.40/2020 registered by the Cyber Police Station, investigation has been taken by the CCB, Bengaluru. The allegation made against the petitioner by the complainant is that one Sudhindra Reddy, filed a complaint on 14.12.2020 alleging that the petitioner-Yuvaraj and one Madhuraj-Accused No.2 got introduced themselves and made the complainant to believe that they are making arrangement to get the post of Chairman of

KSRTC and demanded Rs.1.5 Crores through cash and bank transfer. The complainant has paid Rs.1.00 crore by way cash as well as bank transaction in the year 2020. He has also given his bio-data to the accused. It is also alleged that the accused has assured that if job is not provided, the amount will be given back. When the accused failed to comply the promise, they dodged for refund of the money. When the complainant questioned the same, they threatened to kill him. After registering the case and arresting the petitioner, the Police seized Rs.6,10,000/- and Rs.20,00,000/- subject to the PF No.25/2020 and Rs.27,00,000/-, Rs.5,10,000/-, Rs.94,90,000/- totally Rs.1,27,00,000 has been recovered by the Police.

13. CrI.P.No.1959/2021 in respect of Crime No.74/2020 registered by the High Grounds Police on the complaint by Dr. Gururaj Ravi. It is alleged that the accused received Rs.6,50,00,000/- with an assurance to

settle the property dispute that the accused is having property worth of Rs.150.00 Crores and if the complainant invest the money, he will get more profit while selling the said lands. After receiving Rs.6.50 Crores, the accused cheated the complainant. After the arrest of this petitioner, the Police recovered Rs.10,00,000/- from Yaswanth subject to PF No.9/21 and another Rs.10,00,000/- from one Gurudeva subject to PF No.11/2021.

14. In CrI.P.No.1958/2021 in respect of Crime No.75/2020 registered by the High Grounds Police on the complaint of one Ananda Kumar where the complaint came to be filed on 21.12.2020 alleging that the petitioner received Rs.1,50,00,000/- through RTGS and assured him to provide the post of Chairman in Central Silk Board in Karnataka. They obtained body warrant of this petitioner on 27.01.2021.

15. Whereas, CrI.P.No.2269/2021 in respect of Crime No.4/2021 registered by High Grounds Police on the complaint of Enith Kumar M.C. It is alleged that the petitioner received Rs.30.00 lakhs through RTGS assuring to provide post of Chairman in the Silk Board. In this case, petitioner is arrested on 03.02.2021.

16. Whereas, CrI.P.No.2331/2021 in respect of Crime No.12/2021 registered by Jnanabharathi Police on the complaint of Dr.G.Narasimha Swamy, where the accused petitioner obtained Rs.30.00 lakhs by cash and assured to provide a post of Assistant Executive Engineer. In this case, the petitioner is arrested on 22.01.2021.

17. CrI.P.No.2186/2021 in respect of Crime No.13/2021 registered by Jnanabharathi Police on the complaint of one Govindaiah wherein it is alleged that the petitioner received Rs.30.00 lakhs through cash as well as RTGS and cheques assuring to provide the post of

Marketing Manager in KMF. The petitioner is arrested on 08.02.2021.

18. Learned counsel for the petitioner has contended that the petitioner was arrested only in one case in Crime No.40/2020 and purposely they have inserted Section 66 of the Information Technology Act in order to take over the investigation by the CCB Police. On perusal of the cases registered against the petitioner for the offences under Sections 420, 406, 419, 506, 120B of IPC and it is also revealed from the arguments of the learned Senior counsel that a case in Crime No.125/2020 registered by Wilson Garden Police on the complaint of one Indrakala for having paid Rs.8,50,00,000/- through RTGS for assuring the post of Governor in which the Magistrate said to have granted bail to the petitioner. Of-course, the Police after arresting the petitioner on 17.12.2020 in Crime No.40/2020 where the complaint was filed on 14.12.2020, subsequently almost 7 cases

were registered against the petitioner other than Crime No.125/2020. In one case, the Police are yet to take body warrant of this petitioner.

19. On perusal of the allegations, the petitioner obtained Crores of rupees from various persons assuring to provide the post of Governor, post of Chairman in Silk Board, Chairman of KSRTC, Post of AEE, post of Marketing Manager in KMF and real estate business or settling the land disputes. The voluntary statement and the recovery panchanama prepared by the Police reveal that there were lot of filled-in cheques and blank cheques found in possession of the petitioner which were for different amounts like Rs.25.00 lakhs, Rs.50.00 Lakhs each and Rs.30.00 Lakhs apart from various passbooks and this petitioner is having 18 bank accounts, 11 bank accounts in his wife's name, two in his son's name and two accounts in his daughter's name and 26 properties have been purchased by this accused out of the amount

received from the complainants. Though he has stated in his voluntary statement that he has paid some amounts to the politicians and other persons and assured to provide jobs, but the petitioner seems to be a middleman and highly influential person having contact with Ministers otherwise, it is not possible to promise or assure for providing or securing jobs like Governor, Chairman of Boards and Transport Corporation and also other posts do not arise. He is suppressing the names of the persons to whom he has paid the money for securing the posts.

20. Learned SPP rightly contended that the petitioner is having very influential power with Ministers and Bureaucrats and if he is released on bail, he may tamper with the prosecution witnesses. That apart, the Income Tax Department and Enforcement Directorate are also verifying the case for taking cognizance to further investigate the matter and the Police have also stated that the petitioner is required for further investigation as he is

involved in cheating so many other persons also. The persons who are all paid money to the accused through cheques, RTGS other than these complainants were also under investigation. The properties which were recovered from the petitioner show almost 111 items. He has committed heinous offence of cheating the educated people as well a retired High Court Judge. It is unfortunate that the learned Magistrate granted bail in Crime No.125/2020 where the accused received Rs.8.50 Crores for securing the post of Governor. It is most unfortunate that the State has not chosen to file any application for cancellation of the bail granted by the Magistrate. It is also most unfortunate that a former Judge of the High Court has paid bribe to the petitioner for securing the Post of Governor which act of the complainant not only lowered the prestige of a Judge and also affect the image of Governor's post.

21. Looking to the entire facts and circumstance of the case, I am of the view that if this petitioner is granted bail, he will tamper with the prosecution witnesses and committing similar offences is not ruled out. He is a very influential person and he may threaten the prosecution witnesses and cause hurdle to the investigation by the Police. If he is granted bail, there will be a wrong message sent to the Society that a person having money can buy post in the Government. Hence, he does not deserve for grant of any bail.

22. Apart from that, he is an absconding accused in CC No.5011/2007 and the case was spilt against him and the name of the accused was Sevalal Sanganna Basava Swamiji and after absconding he is said to have obtained bail and again he absconded and NBW was issued against him. Though he is said to have settled the candidates by paying money in the year 2008 itself, but the fact remains that he has changed his name as Yuvaraj

and if bail is granted, again he may change his name and absconding from the case is not ruled out. Though a coordinate Bench of this Court granted bail to the accused who is MD of I Monetary Advisory (IMA) collected investments from the public and he is unable to repay the same wherein the accused is having investments and repaying to the public through Administrator. But that case cannot be compared with this case. Here in this case, the petitioner is notorious and having so much influence with the political parties and cheating the persons under the guise of providing posts in government organisations and that too to the level of assuring for providing post of governor. Such being the case, I am of the view that the petitioner is not entitled for bail in all the petitions.

23. Accordingly, all the Criminal Petitions No.1958 of 2021 connected with 1671, 1959, 2186, 2269 and 2331 of 2021 are dismissed.

kvk/GBB/mv

**Sd/-
JUDGE**