

Siddarama Alias Putta vs The State Through Ashok Nagar on 12 December, 2024

Author: K Natarajan

Bench: K Natarajan

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NC: 2024:KHC-K:9604
CRL.P No. 201333 of 2024
C/W CRL.P No. 201415 of 2024

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 12TH DAY OF DECEMBER, 2024

BEFORE
THE HON'BLE MR. JUSTICE K NATARAJAN

CRIMINAL PETITION NO. 201333 OF 2024
C/W
CRIMINAL PETITION NO. 201415 OF 2024

IN CRL.P. No.201333/2024
BETWEEN:

1. SIDDARAMA ALIAS PUTTA
S/O RAJKUMAR KHANAPUR
AGED ABOUT 26 YEARS
OCC STUDENT
R/O SONNA VILLAGE TQ AFZALPUR
DIST KALABURAGI

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VEDAVATHI A K

Location: High
Court of
Karnataka

2. LAXMIPUTRA
S/O SHIVASHARAN TALWAR
AGED ABOUT 24 YEARS
OCC STUDENT
R/O SONNA VILLAGE
TQ AFZALPUR
DIST KALABURAGI

3. ANIL
S/O BABURAO SINDAGI
AGED ABOUT 24 YEARS
OCC TAXI OWNER
R/O SOLAPUR
STATE MAHARASHTRA

...PETITIONERS

(BY SRI. DEVENDRAPPA, ADVOCATE)

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NC: 2024:KHC-K:9604

CRL.P No. 201333 of 2024

C/W CRL.P No. 201415 of 2024

AND:

THE STATE THROUGH ASHOK NAGAR
POLICE STATION KALABURAGI
(REPRESENTING BY LEARNED ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI (585105)

...RESPONDENT

(BY SMT ANITHA M REDDY, HCGP)

THIS CRL.P IS FILED U/S. 438 OF CR.P.C (OLD) / U/SEC. 482
OF BNSS ACT (NEW) PRAYING TO ALLOW THE PETITION AND
ISSUED DIRECTION TO THE CONCERNED POLICE TO RELEASED THE
ACCUSED PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN
CRIME NO. 160/2023 OFFENCES PUNISHABLE U/SEC. 409, 420,
120(B), 201, 109, 114, 36, 37, 34 OF IPC AND SECTION 3(1)(ii)(2)
(3)(4) OF KCOCA ACT OF ASHOK NAGAR PS KALABURAGI PENDING
PRL. DIST. AND SESSIONS JUDGE AT KALABURAGI IN THE INTEREST
OF JUSTICE AND EQUITY AND ETC.

IN CRL.P. No.201415/2024

BETWEEN:

PANDIT
S/O HULEPPA KHEDAGI @ KHEDAGIKAR
AGED ABOUT 35 YEARS,
OCC.GOV. SERVANT,
R/O SHIVLOOR VILLAGE,
TQ.AFZALPUR,
DIST.KALABURAGI 585217

...PETITIONER

(BY SRI. SHIVALING.N.PADSHETTY,ADVOCATE)

AND:

THE STATE THROUGH ASHOK NAGAR P.S

REPRESENTED BY ADDL. SPP
HIGH COURT OF KARNATAKA
KALABURAGI BENCH - 585105

...RESPONDENT

(BY SMT ANITHA M REDDY, HCGP)

THIS CRL.P IS FILED U/S. 438 OF CR.P.C(OLD), U/S 482 OF
BNSS (NEW), PRAYING TO ALLOW THE PETITION WITH A DIRECTION
TO THE RESPONDENT POLICE TO RELEASE THE ACCUSED NO. 20/

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NC: 2024:KHC-K:9604

CRL.P No. 201333 of 2024

C/W CRL.P No. 201415 of 2024

PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.
160/2023 OF ASHOK NAGAR POLICE STATION AND PENDING
BEFORE PRL. DIST. AND SESSIONS JUDGE KALABURAGI VIDE IN
THEIR FILE SPL. CASE KCOCA NO. 01/2024, FOR THE OFFENSES
PUNISHABLE OFFENCE U/SEC. 409, 420, 120B, 201, 109, 114, 36,
37, 34 OF IPC AND U/SEC. 3 (1) (ii) (2) (3) (4) OF KCOCA, IN THE
INTEREST OF JUSTICE AND ETC.

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

CORAM: HON'BLE MR. JUSTICE K NATARAJAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE K NATARAJAN) Crl.P. No.201333/2024 is filed by the petitioners -
accused Nos.16 to 18 and Crl.P. No.201415/2024 is filed by the petitioner -accused No.20 under
Section 482 (BNSS) (Section 438 of Cr.P.C.) for grant of anticipatory bail in respect of Crime
No.160/2023 registered by Ashoknagar Police Station, Kalaburagi, pending on the file of Prl.
District and Sessions Judge, Kalaburagi in Special Case KCOCA No.01/2024 and charge sheeted for
the offence punishable under Sections 409, 420, 120B, 201, 109, 114, 36, 37, 34 of IPC and Section
3(1)(ii)(2)(3)(4) of KCOC Act, 2000.

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2. Heard the arguments of learned counsel for the petitioners -accused in both the cases and Smt.
Anitha Reddy, learned HCGP for the State.

3. Case of the prosecution is that, one Smt. Shipa, Assistant Lecturer in Sharanabasava University,
Vidyanagar, Kalaburagi came to the Police Station on 28.10.2023 and filed a written complaint
alleging that she was appointed as Supervisor of KEA examination which was held at Sharanabasava
University Campus, Vidyanagar Kalaburagi, as she was the Assistant Lecturer in the said University.

when she was supervising at Examination Centre, Block No.2H8, Room No.38, at about 11.30 a.m. the Deputy Director, Karnataka Education Authority (KEA) is said to have apprehended accused-Trimurti (accused No.1), when he was holding a Bluetooth and writing the exam. On interrogation, he said that his brother by name Ambrish-accused No.2 is sitting in his car from outside the examination centre and answering the question through Bluetooth device. The police apprehended accused Nos.1 and 2, who revealed that accused No.3 - R.D. Patil has been involved in the recruitment scam and it is he who provided Bluetooth to accused Nos.1 and 2. It is stated that with the NC: 2024:KHC-K:9604 help of petitioners - accused Nos.16 and 17, accused No.3 is said to have received the Bluetooth and in turn said to have supplied to accused Nos.1 and 2 and also to other candidates who are said to have attending the examination.

4. On perusal of the charge sheet, it reveals that accused No.3 obtained the question paper from the college authority from the examination Centre and sent to accused No.20 who is the petitioner in Crl.P.No.201415/2024 and accused No.20 is said to have prepared the answers to the questions and sent to accused No.3, who in turn, is said to have supplied the answers to the candidates through Bluetooth and accused Nos.1 and 2 caught red handed. The police arrested accused No.3 and other persons during the investigation. Accused No.3 revealed the name of these petitioners. Therefore, they are arrayed as accused. Apprehending arrest, they approached the Sessions Judge for grant of anticipatory bail, which came to be dismissed. Hence, accused Nos.16 to 18 in Crl.P. No.201333/2024 and accused No.20 in Crl.P. No.201415/2024 are before this Court for grant of Anticipatory Bail.

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5. Learned counsel for the petitioners-accused Nos.16 to 18 in Crl.P. No.201333/2024 contended that accused Nos.16 and 17 are said to have supplied Bluetooth devices, but there are no materials available to show that they have actually supplied the Bluetooth devices to the candidates. Only on the basis of voluntary statement of accused No.3, they have been implicated in this case. Accused No.18 is the taxi driver who picked accused No.3 and dropped near Solapur. Except working as a taxi driver for dropping accused No.3. from Kalaburagi to Solapur, no role is played by him. Therefore, prayed for grant of anticipatory bail. Learned counsel also contended that accused No.19 is already granted anticipatory bail by this Court.

6. Learned counsel for the petitioner - accused No.20 in Crl.P. No.201415/2024 contended that the allegation against this petitioner is that, he has prepared answers and supplied to accused No.3. Except the confessional statement of accused No.3, there is no material collected by the Investigating Officer to show or connect this petitioner to the alleged crime. Even otherwise, accused No.19 who is also said to have prepared the answers and supplied to accused No.3 has been granted bail by NC: 2024:KHC-K:9604 this Court. Therefore, on the ground of parity, he is also entitled for grant of anticipatory bail. Hence, he prays to allow this petition.

7. Per contra, learned HCGP on behalf of respondent- State contended that these accused persons are involved in commission of offences in helping accused No.3 in preparing/supplying the answers, with the help of accused No.19 and supplied to the candidates. She further contended that accused

No.18 has picked accused No.3 in his taxi and kept in his house at Solapur. Accused No.3 was arrested in the house of accused No.18. It shows that accused No.18 has having knowledge about the commission of crime. Therefore, prayed for dismissal of both the petitions.

8. Having heard learned counsel for the parties, it reveals that accused No.3 is the kingpin in the recruitment scam. The said R.D. Patil- accused No.3 moved regular bail as well as anticipatory bail, which came to be dismissed by this Court twice. The allegation against accused Nos.16 and 17 is that they supplied the Bluetooth/s to accused No.3. Accused No.3 was also involved in the PSI scam and he was arrested in NC: 2024:KHC-K:9604 that scam and it was huge publicity throughout Karnataka State in respect of arrest of accused No.3 involving in PSI recruitment scam. Subsequently, after more than a year, the KEA examination was conducted by the Karnataka Public Service Commission, where once again this accused No.3 is involved in the commission of similar offence and these accused Nos.16 and 17 are said to have supplied the Bluetooth/s and while writing the examination, the Bluetooth was seized from one of the candidates and caught red handed by the Deputy Director of KEA examination and he was taken to the Police Station and the complaint has been lodged. If accused Nos.16 and 17 did not supplied the Bluetooth, it is not possible for accused No.3 to commit or repeat the offences in the examination conducted by the Karnataka Public Service Commission of the State Government. They are not the suppliers of Bluetooth in the market, but they purchased the Bluetooth from other State and supplied to the accused persons to help accused No.3 for committing the offence. Hence, it cannot be taken lightly. Thereby, accused No.3 was successful in completing his mission and destroying the discipline of examination conducted by the KPSC. Accused No.18 though said to be harbor to accused NC: 2024:KHC-K:9604 No.3, but the fact remains that, he was not only a taxi driver having taxi, but he has taken accused No.3 in his car and kept in his house and he has harbored accused No.3 in escaping the arrest by the police. However, the alleged offence against accused No.18, is nothing but aailable offence.

9. As against accused No.20 in Crl.P. No.201415/2024, serious allegations are made against him that he has prepared the answers and sent to accused No.3. It is seen from the records that the candidate-accused No.1 who wrote the examination was arrested in the examination Centre with Bluetooth device, where his brother accused No.2 was assisting him in giving answers from the outside. The same was seized by the police. The answers were prepared by the present accused No.20. Though this Court granted bail to accused No.19 who is said to be a Teacher in the Morarji Desai residential School, he was continuously attending the School when the police had been to arrest him and there is no records to show that he has involved in corrupt practice. Therefore, he was granted anticipatory bail. However, as against accused No.20, the documents which was seized from outside the examination Centre, was prepared by him as per the

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NC: 2024:KHC-K:9604 confessional statement made by accused No.3. The prayer for grant of bail by accused No.3 was already rejected by this Court.

10. That apart, during the argument, it was revealed that even though, more than a year is completed from the date of offence, neither the Ashoknagar police or the Investigating Officer/CID

police have not chosen to arrest the petitioner- accused No.20. That it came to the knowledge of this Court that accused No.20 is the employee of Home Department, which goes to show that with the influence of Home Department, he is avoiding arrest and even the police is not able to serve notice to him under Section 41A of Cr.P.C. It shows that petitioner-accused No.20 is an influential person and restrained the police from arrest and the prosecution or the SPP have also not argued on this matter though he has vehemently objected in the earlier petitions and the Addl. SPP remained absent today and only HCGP argued the matter and also for the last one year, accused No.20 has not chosen to surrender before the Court for getting bail. When such being the case, if bail is granted to accused No.16, 17 and 20, definitely they may commit similar offence and accused No.20

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NC: 2024:KHC-K:9604 will definitely tamper the prosecution witnesses. However, accused No.18 who is a taxi driver is said to have committed only bailable offence. Hence, the following:

ORDER

- i) Criminal Petition No.201415/2024 filed by accused No.20 is dismissed.
- ii) Criminal Petition No.20133/2024 is allowed in part. Anticipatory bail filed in respect of accused Nos.16 and 17 is hereby dismissed. Petition for Anticipatory bail filed in respect of accused No.18 is allowed.
- iii) The respondent - Police are directed to release the petitioner/accused No.18 on bail in the event of his arrest for the offences punishable under Sections 409, 420, 120(B), 201, 109, 114, 36, 37, 34 of IPC and Section 3(1)(ii)(2)(3)(4) of KCOC Act registered by the Ashok Nagar Police Station, Kalaburagi in Crime No.160/2023 pending on the file of Prl. Dist and Sessions Judge, Kalaburagi, subject to the following conditions:

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- a) Petitioner-accused No.18 shall execute a personal bond for a sum of `2,00,000/- (Rupees Two lakhs only) with two sureties for the likesum to the satisfaction of the Investigating Officer;
- b) Petitioner - accused No.18 shall surrender before the Investigating Officer within 15 days from the date of receipt of the certified copy of the order;
- c) Petitioner - accused No.18 shall not indulge in similar offences strictly;

- d) Petitioner - accused No.18 shall not tamper with the prosecution witnesses directly or indirectly;
- e) Petitioner - accused No.18 shall be deemed to be in custody for the purpose of any recovery under Section 27 of the Indian Evidence Act, 1872;

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- f) Petitioner - accused No.18 shall appear before the Investigating Officer as and when called for the purpose of further investigation. If any of the conditions are violated, the prosecution is at liberty to file an application seeking cancellation of bail.

Sd/-

(K NATARAJAN) JUDGE BS