

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2022

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

CRIMINAL PETITION NO.7202 OF 2022

BETWEEN:

SRI KRISHNAPPA M V
S/O LATE VENKATACHALAI AH
AGED 53 YEARS
R/T BAGEGOWDANA LAYOUT
4TH CROSS, KUMVEPU ROAD
BEHIND RR PALACE
MAGADI TOWN
RAMANAGARA DISTRICT-562120.

...PETITIONER

(BY SRI. GOPALA KRISHNA B N., ADV.)

AND

STATE OF KARNATAKA
BY MAGADI POLICE STATION
RAMANAGARA DISTRICT 562120
REP BY STATE PUBLIC PROSECUTOR

...RESPONDENT

(BY SRI. KRISHNA KUMAR K.K., HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION.439
CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
CR.NO.146/2022 OF MAGADI P.S., RAMANAGARA DISTRICT FOR
THE OFFENCE PUNISHABLE UNDER SECTIONS 417,418,420,201
R/W 120b OF IPC AND SEC.24(a),115(a) OF KARNATAKA
EDUCATION ACT AND UNDER SEC.66 OF I.T ACT.

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

ORDER

This petition is filed by the petitioner/accused No.2 under Section 439 of Cr.P.C., for granting regular bail in respect of Crime No.146/2022 registered by Magadi Police Station for the offences punishable under Sections 114, 418, 420, 201, 384, 120B of IPC, Sections 24A and 115A of the Karnataka Educational Act, 1983 and Section 66 of the Information Technology Act, 2000.

2. Heard the learned counsel appearing for the petitioner and the learned HCGP appearing for the respondent-State.

3. The case of the prosecution is that the DDPI., of Ramanagara District, filed a complaint to the Police on 24.05.2022 alleging that, accused No.1 is said to be working as Clerk in Magadi Kempegowda High School, Magadi and there was a SSLC., examination in the State

started from 28.03.2022 till 11.04.2022; accused No.1 in collusion with accused No.5, the Head Master of the High School, took the photocopy of the Question Papers and supplied the same to accused Nos.6 to 8, who were the teachers working in the said School and accused Nos.8 to 10 are said to have prepared the answers and went to the examination hall and given the answers to the students and facilitated the students to get through in the SSLC., Examination with an ulterior motive and also deprived the right of the meritorious students, who appeared for the SSLC., Examination. The fact of taking the photocopy of the question paper and leaking the same, came to the knowledge of accused Nos.3 and 4, who are said to be the Press People and they also said to have extorted the amount from accused Nos.1 and 2 to the tune of Rs.10,000/- and Rs.2,500/- each. After the arrest of accused No.1 on 24.05.2022 and on the voluntary statement of accused No.1, all the accused were arrested and they have been remanded to the judicial custody. The

Police have investigated the matter and filed the charge-sheet. The bail petition of the petitioner came to be rejected. Hence, he is before this Court.

4. Having heard the arguments of the respective counsel and also on perusal of the material available on record, it reveals that allegation against this petitioner is that accused No.1 took photocopy of the question papers and handed over to this petitioner and this petitioner circulated the same to the accused Nos.6 to 8 through messages, who intturn circulated to accused Nos.8 to 10, who prepared the answers and supplied the same to the students. Ofcourse, the accused Nos.1 and 2 are main accused, who are involved in the mal practices with the help of accused No.5. However, this Court has granted regular bail to accused Nos.3 and 5 to 10 vide order dated 3.8.2022 in CrI.P.No.6623/2022 and connected matters. The allegation against this petitioner is similar to allegation made against accused Nos.5 to 10. The petitioner is in

judicial custody for nearly 3 months. Therefore, I am of the view that by imposing certain stringent conditions if the bail is granted, no prejudice shall be caused to the prosecution case. Hence, I pass the following:

ORDER

The Criminal Petition is **allowed**. Trial Court is directed to release the petitioner/accused No.2 on bail in respect of Crime No.146/2022 registered by Magadi Police Station for the offences punishable under Sections 114, 418, 420, 201, 384, 120B of IPC, Sections 24A and 115A of the Karnataka Educational Act, 1983 and Section 66 of the Information Technology Act, 2000, subject to the following conditions:-

- (i) The petitioner shall execute 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 Magistrate.
- (ii) The petitioner shall not indulge in similar offences strictly;

- (iii) The petitioner shall not tamper with the prosecution witnesses directly/ indirectly;
- (iv) The petitioner shall not leave the jurisdiction without prior permission of the Trial Court;

**Sd/-
JUDGE**

DM/-