

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2022

BEFORE

THE HON'BLE MR. JUSTICE K.NATARAJAN

CRIMINAL PETITION NO.6623/2022

C/W.

CRIMINAL PETITION NO.6777/2022

AND CRIMINAL PETITION NO.7178/2022

IN CRIMINAL PETITION NO.6623/2022:

BETWEEN:

- 1 . ARJUN
S/O. NARAYANAPPA,
AGED ABOUT 33 YEARS,
KANNADA TEACHER AT
KEMPEGOWDA SCHOOL MAGADI,
RESIDING AT TIMMASANDRA VILLAGE,
SOLURU HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT-562 120.
- 2 . ALIMULLA KHAN
S/O. SAMIULLA KHAN,
AGED ABOUT 32 YEARS,
HINDI TEACHER AT
KEMPEGOWDA SCHOOL MAGADI,
RESIDING AT GUDEMARANAHALLI VILLAGE,
SOLURU HOBLI, MAGADI TALUK,
RAMANAGARA DISTRICT-562 120.
- 3 . SUBRAMANYA
S/O. CHANDRASHEKARAIHAH,
AGED ABOUT 29 YEARS,
SCIENCE TEACHER AT

KEMPEGOWDA SCHOOL MAGADI,
RESIDING AT SNB EXTENSION,
HOSAPETE, MAGADI TOWN,
RAMANAGARA DISTRICT-562 120.

4 . SRINIVAS. N
S/O. VENKATESH,
AGED ABOUT 46 YEARS,
SOCIAL SCIENCE TEACHER
AT KEMPEGOWDA SCHOOL MAGADI,
RESIDING AT TIRUMALE VILLAGE,
MUNISHWARA LAYOUT,
MAGADI TOWN AND ALSO
R/AT ARALIMARADA DODDI VILLAGE,
KODIHALLI HOBLI, KANAKAPURA TALUK,
RAMANAGARA DISTRICT-562 120. ... PETITIONERS

(BY SRI CHANDRASHEKARA K.A., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY THE POLICE OF MAGADI POLICE STATION,
RAMANAGARA DISTRICT-562 120.
REPRESENTED BY SPP.,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001. ... RESPONDENT

(BY SRI S.V.HEGDE, SPP-II A/W. SRI KRISHNA KUMAR K.K., ,
HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439
OF CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
CR.NO.146/2022 OF MAGADI P.S., RAMANAGARA FOR THE
OFFENCES P/U/Ss.417, 418, 420, 201, 120-B OF IPC AND
SECTIONS 24-A AND 115-A OF KARNATAKA EDUCATION ACT
AND SECTION 66 OF INFORMATION TECHNOLOGY ACT PENDING
BEFORE THE PRINCIPAL CIVIL JUDGE (JR. DN.) AND JMFC.,
MAGADI.

IN CRIMINAL PETITION NO.6777/2022:BETWEEN:

LOKESH K
 S/O KENCHAPPA
 AGED ABOUT 34 YEARS
 TEACHER, R/AT TIRUMALE VILLAGE
 KURUBARA BEEDI, MAGADI TOWN
 RAMANAGARA DISTRICT-562 120. ... PETITIONER

(BY SRI CHANDRASHEKARA K.A., ADVOCATE)

AND:

THE STATE OF KARNATAKA
 BY THE POLICE OF MAGADI POLICE STATION
 RAMANAGARA DISTRICT-562 120
 REPRESENTED BY SPP
 HIGH COURT OF KARNATAKA
 BENGALURU-560 001. ... RESPONDENT

(BY SRI S.V.HEGDE, SPP-II A/W. SRI KRISHNA KUMAR K.K.,
 HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.146/2022 OF MAGADI P.S., RAMANAGARA DISTRICT FOR THE OFFENCES P/U/Ss.417, 418, 420, 201, 120-B OF IPC AND SECTIONS 24-A AND 115-A OF KARNATAKA EDUCATION ACT AND SECTION 66 OF INFORMATION TECHNOLOGY ACT PENDING BEFORE THE PRINCIPAL CIVIL JUDGE (JR. DN.) AND JMFC., MAGADI.

IN CRIMINAL PETITION NO.7178/2022:BETWEEN:

1 . SRI SRINIVAS
 S/O RANGADHAMAIAH

AGED ABOUT 37 YEARS
 RESIDING AT NES EXTENSION
 MAGADI TOWN
 RAMANAGARA DISTRICT - 562120
 AND ALSO RESIDING AT
 MASARAPADI KODIGENAHALLI HOBLI
 TUMAKURU DISTRICT - 577 727

2 . SRI B NAGARAJU S/O BORAI AH
 AGED ABOUT 60 YEARS
 RESIDING AT TIPPURU VILLAGE
 ANJANEYA TEMPLE BEEDI
 ATAKURU HOBLI, MADDURU TALUK
 MANDYA DISTRICT - 571 428 ... PETITIONERS

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

AND:

STATE OF KARNATAKA
 BY MAGADI POLICE STATION
 RAMANAGARA DISTRICT - 562 120
 REPRESENTED BY STATE
 PUBLIC PROSECUTOR ... RESPONDENT

(BY SRI S.V.HEGDE, SPP-II A/W. SRI KRISHNA KUMAR K.K.,
 HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.146/2022 OF MAGADI P.S., RAMANAGARA DISTRICT FOR THE OFFENCES P/U/Ss.417, 418, 420, 201, 120-B OF IPC AND SECTIONS 24-A AND 115-A OF KARNATAKA EDUCATION ACT AND SECTION 66 OF INFORMATION TECHNOLOGY ACT PENDING BEFORE THE PRINCIPAL CIVIL JUDGE (JR. DN.) AND JMFC., MAGADI.

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

ORDER

Crl.P.No.6623/2022 is filed by the petitioners/accused Nos.6, 8, 9 and 10, Crl.P.No.6777/2022 is filed by the petitioner/accused No.3 and Crl.P.No.7178/2022 is filed by the petitioners/accused Nos.5 and 7 under Section 439 of Cr.P.C., for granting regular bail in respect of Crime No.146/2022 registered by Magadi Police Station and presently in C.C.No.4356/2022 pending on the file of Principal Civil Judge (Jr.Dn.) & JMFC., Magadi, for the offences punishable under Sections 114, 417, 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 petitioners and the learned State Public Prosecutor-II appearing for the respondent-State in all the petitions.

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 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 photo copy of the Question Paper, taken the print out and supply to accused Nos.6 to 8, who were the teachers working in the said School and accused Nos.8 to 10 said to be prepared the answers and went to the examination hall and given the answers to the students and facilitate the students to get through in the SSLC., Examination with an ulterior motive and also deprived the right of the meritorious students, who were appeared for the SSLC., Examination, the fact of taking the photograph of the question paper leaking the same was came to the knowledge of accused Nos.3 and 4, who said to be the Press People and they also said to be 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 on the voluntary statement of accused No.1, all these petitioners were arrested on 25.05.2022 and they have been remanded to the judicial custody. The Police have

investigated the matter and filed the charge-sheet. Their bail petitions came to be rejected. Hence, they are before this Court.

4. The learned counsel appearing for the petitioners contended that the petitioners are innocent for the alleged offences and they have been falsely implicated in the case. Even the Investigating Officer has not recorded the statement of any of the students, who written the examination in the said School. The invigilators used to appoint from some other school. They also not examined and cited as a witness to show accused Nos.6 to 10 distributed the answers to the students. The investigation has already been completed and the charge-sheet has been filed and they are not required for any custodial trial. The petitioners are teachers and the law-abiding citizen and they are ready to abide any conditions that may be imposed by this Court and they are in custody for more than two months. Hence, prayed for granting of bail.

5. Per contra, the learned State Public Prosecutor – II vehemently objected the bail petition and contended that the petitioners being teachers in collusion with accused No.5 and

accused No.1 leaked out the question paper by taking the photographs, print out and given the answers to the students in order to show the results are very good and get the benefit out of the results by raising the school fee, donation etc. The mobile phones seized by the Police sent to the FSL for getting the report depriving the messages as the petitioners are already deleted the same from their mobile phones. Therefore, the FSL reports are awaited. Hence, the petitioners are not entitled for bail and there is a chance of committing the similar offences, if they have been enlarged on bail. Hence, prays to reject the bail petitions.

6. Having heard the arguments of the respective counsel and also on perusal of the material available on record, admittedly, the School was a Private Recognized School situated at Magadi and the SSLC., Examination was held from 28.03.2022 to 11.04.2022. As per the charge-sheet, accused No.1, who took the photograph of the question papers of Kannada, English, Mathematics, Social Science, Hindi and Science till 11.04.2022 and given to accused Nos.6 to 10 in turn they prepared the answers and given to the students. The

results also declared by the SSLC., Board on 19.05.2022 and thereafter the complaint has been filed on 24.05.2022. Of course, there is a delay of 43 days in filing the complaint from the last date of the incident that was held on 11.04.2022. The co-accused No.4 was granted bail by the Co-ordinate Bench of this Court, who said to be one of the Press person, who extorted the money from accused No.1, otherwise he will publish the same in the Newspaper, if the amount is not paid. The said accused was released on bail by the Co-ordinate Bench of this Court in CrI.P.No.5670/2022 dated 14.07.2022. The similar allegations made against accused No.3, who is also a Press Person said to be extorted Rs.10,000/- from accused No.1. Accused No.1 had already been arrested and he is in custody, who is a clerk of the said School. It is also not in dispute that the actual beneficiaries are the students and the school authorities. None of the school authorities neither made as accused nor as a witness by the Investigating Officer. The mobile phones of the accused persons were already sent to the FSL for retrieving the messages from the whatsapp, but the report not yet received. The investigation is completed and the

charge-sheet has been filed. The offences are triable by the Magistrate. The petitioner Nos.6 to 10 are the teachers. Accused No.5 said to be the Head Master and accused No.3 said to be the Press person. Considering the facts and circumstances of the case as they are in the custody for more than two months, the investigation has been completed and the charge-sheet has been filed and their presence may not be required for custodial trial before the Court. Except receiving the FSL report and which is electronic evidence seized by the Police and sent to FSL. Therefore, the question of tampering the electronic evidence at this stage does not arise as they are already said to be deleted the messages from the mobile phones. Therefore, keeping the petitioners will not serve any purpose except for their presence before the Court for trial. The offences though non-bailable but they are not punishable with death or imprisonment for life. The co-accused had already granted bail by the Co-ordinate Bench of this Court. 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. Considering the facts and

circumstances of the case, by imposing certain conditions, bail is granted to the petitioners. Hence, I pass the following:

ORDER

The Criminal Petitions are allowed. Consequently, the petitioners/accused Nos.3, 5 to 10 shall be released on bail in respect of Crime No.146/2022 registered by Magadi Police Station and presently in C.C.No.4356/2022 pending on the file of Principal Civil Judge (JR.Dn.) & JMFC., Magadi, for the offences punishable under Sections 114, 417, 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 petitioners shall execute personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) each with two sureties each for the like-sum to the satisfaction of the Magistrate.
- (ii) The petitioners shall not indulge in similar offences strictly;
- (iii) The petitioners shall not tamper with the prosecution witnesses directly/ indirectly;

- (iv) The petitioners shall not leave the jurisdiction without prior permission of the Trial Court;
- (v) The petitioners shall appear before the Investigating Officer as and when called for the purpose of investigation/enquiry.
- (vi) If any of the condition is violated by the petitioners/accused, the prosecution is at liberty to move the application for cancellation of bail.

**Sd/-
JUDGE**

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