

Amaresh S/O Veeresh Karabadinni vs The State Of Karnataka on 23 May, 2022

Author: K. Natarajan

Bench: K. Natarajan

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 23RD DAY OF MAY 2022

BEFORE

THE HON'BLE MR.JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.101212/2022

BETWEEN:

AMARESH S/O VEERESH KARABADINNI
AGE. 29 YEARS, OCC. COOLIE,
R/O. VITTALAPUR, TQ. KUSTAGI,
DIST. KOPPAL-583236

.. PETITIONER

(BY SRI. B.C. JNANAYYA SWAMI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
(THROUGH VIDYAGIRI P.S)
R/BY ITS STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENCH AT DHARWAD-580011

.. RESPONDENT

(BY SMT. GIRIJA S. HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 439 OF CR.P.C., SEEKING TO ALLOW THIS PETITION AND ENLARGE THE PETITIONER ON BAIL IN CR.NO.48/2022 REGISTERED FOR THE OFFENCES PUNISHABLE U/S 419, 420, 384 OF IPC, REGISTERED BY VIDYAGIRI POLICE STATION, DHARWAD.

THIS PETITION COMING ON FOR ORDERS THROUGH PHYSICAL HEARING/VIDEO CONFERENCING HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This petition is filed by the petitioners/accused under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter for brevity referred to as 'Cr.P.C') for granting bail in Crime No.48/2022 registered by the Vidyagiri Police Station, Dharwad, for the offence punishable under Sections 419, 420 and 384 of the Indian Penal Code, 1860 (hereinafter for brevity referred to as 'IPC').

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader for the respondent/State.

3. The case of the prosecution is that, on the complaint one Madhavrao Kulkarni, the police filed the complaint on 22.03.2022 alleging that he received a phone call from the Joint Director of Hubli Dharwad Municipal Corporation intimating him that he had received a phone call from the Central Office and asked to provide some information and gave the phone number. Subsequently, this petitioner is said to have telephoned to the complainant, who is an auditor in the HDMC and it was informed by him that, he is calling from the Anti-Corruption Bureau of State Police and he has received some complaint against the complainant and therefore, if he pays `3,00,000/-, he will close the complaint. It is has alleged that he has demanded `3,00,000/- from the complainant and agreed to receive `2,00,000/- immediately and `1,00,000/- after ten days. Subsequently, he telephoned and gave the account number and IFSC code of the bank. Accordingly, the complainant is said to have transferred money up to `4,40,000/-. Again the petitioner is said to have demanded some more amount of `20,000/- for the purpose of giving bribe to the officials of ACB. After suspecting something, the complainant has contacted the ACB Police, Dharwad, and came to know that no such complaint is received against him and there is no such person by name as alleged by the complainant. Subsequently, a case is registered and the petitioner was arrested on 23.03.2022 and an amount of `2,38,000/- is recovered and he is remanded to judicial custody. His bail petition came to be rejected, hence, he is before this Court.

4. Learned counsel for the petitioner contended that the petitioner is innocent of the alleged offences. On verifying the very complaint given by the complainant, as informed by the Joint Director of HDMC, the person named is not the petitioner and it is one Shivakumar who has telephoned and given the account number and IFSC code of the bank. Investigation is already completed and charge-sheet has been filed, hence his presence may be not be required. Learned counsel further contended that the wife of the petitioner is at the advanced stage of pregnancy and his son is suffering from ailment. Hence, prayed for granting bail.

5. Per contra, learned High Court Government Pleader for the respondent/State seriously objected the bail petition and contended that the petitioner is a habitual offender. There are 3 to 4 cases registered against him which are pending and if he is released on bail, he would commit similar offence and would abscond. Investigation is already completed and charge-sheet has been filed. There are prima facie material against the petitioner for the alleged offences. Hence, prayed for dismissal of the petition.

6. Having heard the arguments of the learned counsel for the parties, perused the records.

7. On perusal of the records, it reveals, of course a telephone call was received by the complainant from the Joint Director of HDMC and subsequently, this petitioner called the complainant in the name of one K.Shivakumar and demanded bribe impersonating himself as an Inspector of Anti-corruption Bureau and demanded `3,00,000/- for closing the complaint filed against the complainant and subsequently, the petitioner himself gave the account number and IFSC Code of the bank and thereafter the complainant, stage by stage, has transferred the money totaling to `4,40,000/- and in spite of the same, the accused still demanded `20,000/- more for the purpose of paying bribe to the officials of the ACB department. Thereafter, the complainant suspecting something, contacted one of his relative and thus on enquiry with the ACB police, it was found that, there was no such officer, as named by the complainant, in the ACB and that they have not demanded any money and no complaint is registered against him. Thus, the petitioner impersonating himself as an ACB police has extracted `4,40,000/- with an intention to cheat the complainant. The investigation is said to be completed and charge sheet is filed and an amount of `2,38,000/- is recovered from the petitioner and a car and a bike are also seized from the petitioner. Charge-sheet is not produced before the court to consider the bail application on merits. Though the petitioner's counsel submits that the wife of the petitioner is at an advanced stage of pregnancy and his son is suffering from ailment, looking to the antecedents of the petitioner that he is involved in 3 to 4 cases, one is for the offence punishable under Section 379 of IPC in Crime No.15/2016 and for the offence punishable under Sections 363 and 376 of IPC and Sections 8 and 18 of POCSO Act in Crime No.185/2018, even though he is a married person and having a child, has kidnapped and committed rape on a minor child. Without any charge-sheet material being produced, though filed, at this stage, the Court is not inclined to grant bail to the petitioner.

Accordingly, the petition is dismissed.

However, liberty is granted to the petitioner to file a fresh petition on the charge-sheet.

Sd/-

JUDGE kmv