

Sri Nagaraja Surve vs The State Of Karnataka on 11 January, 2024

Author: Mohammad Nawaz

Bench: Mohammad Nawaz

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NC: 2024:KHC:1572
CRL.P No. 13756 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ
CRIMINAL PETITION NO. 13756 OF 2023

BETWEEN:

1. SRI NAGARAJA SURVE
S/O BETTAPPA
AGED ABOUT 38 YEARS
R/AT 4TH MAIN ROAD, 7TH CROSS,
NEAR RING ROAD, SHANTHINAGAR
DAVANAGERE - 577 006.

...PETITIONER

(BY SRI. MANJU BYRAL R., ADVOCATE)
AND:

1. THE STATE OF KARNATAKA
BY GANDHINAGAR POLICE STATION
DAVANAGERE
REPRESENTED BY
HIGH COURT GOVERNMENT PLEADER

HIGH COURT OF KARNATAKA

BENGALURU - 560 001.

...RESPONDENT

Digitally
signed by

LAKSHMI T

Location:
High Court
of
Karnataka

(BY SRI.CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 438 CR.PC PRAYING TO
ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS
ARREST IN CR.NO.129/2023 OF GANDHI NAGAR P.S.,
DAVANAGERE DISTRICT FOR THE OFFENCE P/U/S

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

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ORDER

This petition is filed under Section 438 of Cr.P.C., by accused No.2 in Crime No.129/2023 of Gandhi Nagar Police Station registered for the offence punishable under Section 384, 392, 323, 504, 506 r/w 149 of IPC.

2. Heard the learned counsel for petitioner, learned High Court Government Pleader for respondent/State and perused the material on record.

3. Brief facts of the case:- The informant/syed Akbar Ali son of Dadapeer Sab is running one Global Public School under Global Education and Welfare Foundation, registered in the year 2017-18. The said school is imparting education to more than 350 students. Accused No.1 along with other accused persons including the petitioner were making phone calls to him demanding money. It is alleged that on 25.10.2023, accused No.1 - Chetan Kannadiga called the informant stating that he has already lodged complaint against his Educational Institution and asked him to meet him near the IB. He NC: 2024:KHC:1572 demanded Rs.5,00,000/- from him for withdrawing the complaint and threatened him saying that if the said amount was not paid, he will see that the school is closed like how he is instrumental in closing one Vision Wisdom School. It is further alleged in the complaint that after negotiation, he brought down the demand to Rs.3,50,000/- and snatched a sum of Rs.10,000/- from his pocket. On 30.10.2023, the said accused came along with his followers and trespassed into the school, assaulted the staff and abused the teachers. On 01.11.2023 again he came in a vehicle bearing No.KA-17-HM-0207 and abused the staff and demanded money and on 08.11.2023 made whatsapp call threatening the informant with dire consequences and made several such calls demanding money.

4. It is contended by the learned counsel for petitioner that there is no specific allegation against the petitioner that he has threatened the complainant or that he has demanded money from him. He submits that there NC: 2024:KHC:1572 is no active participation by the petitioner and the entire allegations against him are false. He contends that there is an ordinate delay of one month in lodging the complaint and no reasons are forthcoming for the cause of delay and the said delay has been used to deliberate and implicate the petitioner along with other accused persons. He contends that except the bald allegation, there is absolutely no material against the petitioner to deny the relief sought in this petition.

5. The learned High Court Government Pleader has contended that the petitioner along with accused No.1 has made threatening calls to the complainant demanding a huge amount and they have attempted to extort money from him. He contends that accused No.1 is a rowdy sheeter and he has formed a team and involved in antisocial activities. He submits that the investigation is under progress and if the petitioner is released on bail, he may not cooperate with the investigation of the case. He has therefore sought to dismiss the petition.

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6. A careful perusal of the entire averments in the complaint would reveal that the main allegations are against accused No.1 that he has made calls to the complainant demanding money and also threatened him with dire consequences etc. Omnibus allegations are made against the petitioner saying that along with accused No.1, other accused were also making phone calls and harassing the complainant. As per the complaint it was accused No.1 i.e., Chetan Kannadiga who has demanded a sum of Rs.5,00,000/- from the complainant and it is the said accused who is alleged to have assaulted the staff of the school and abused the teachers etc. He is said to be a rowdy sheeter. However, no criminal antecedents against the petitioner has been brought to the notice of the Court. The allegations against him are omnibus in nature. It is contended by the petitioner's counsel that merely on suspicion the police have registered a case against the petitioner and his arrest and detention will ruin his social image and will cause serious hardship on his reputation.

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7. Petitioner has offered to furnish adequate surety and undertaken to cooperate with the investigation. In the facts and circumstances, by imposing necessary conditions, the relief sought by the petitioner can be granted. Accordingly, the following:

ORDER Petition is allowed.

Petitioner/accused No.2 in Crime No.129/2023 of Gandhi Nagar Police Station, shall be released in the event of his arrest, subject to following conditions:

1. He shall appear before the Investigating Officer within a period of one week from the date of receipt of a copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum;
2. He shall furnish proof of his residential address and shall inform the Investigating Officer/Court, if there is any change in address;

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3. He shall not tamper with the prosecution witnesses;

4. He shall not hold any threat or inducement to the complainant and shall not indulge himself in any criminal activities;
5. He shall mark his attendance before the Jurisdictional Police Station on every Sunday between 10.00 a.m. and 1.00 p.m., till filing of the charge sheet;
6. He shall regularly appear before the trial Court.

Violation of any of the above conditions shall result in cancellation of bail.

SD/-

JUDGE HB