

# **Nagbhushan Arkasali vs The State Of Karnataka on 9 October, 2019**

## **Equivalent citations: AIRONLINE 2019 KAR 1642**

IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH

DATED THIS THE 9TH DAY OF OCTOBER, 2019

BEFORE

THE HON'BLE MR. JUSTICE ASHOK G NIJAGANNAVAR

CRIMINAL PETITION NO.101771/2019

BETWEEN:

NAGBHUSHAN PANDURANG ARKASALI  
AGE: 38 YEARS, OCC: PRIVATE SERVICE  
R/O. H.NO.454, 2ND MAIN CROSS  
SADASHIV NAGAR, BELAGAVI.

... PETITIONER

(BY SRI. PRASHANT V. MOGALI, ADVOCATE)

AND:

THE STATE OF KARNATAKA  
THROUGH HIREBAGEWADI POLICE STATION,  
R/BY IT'S STATE PUBLIC PROSECUTOR,  
HIGH COURT BUILDING,  
DHARWAD BENCH, DHARWAD.

... RESPONDENT

(BY SMT. SEEMA SHIVA NAIK, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC.439 OF  
CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON BAIL IN  
HIREBAGEWADI CRIME NO.89/2019 PUNISHABLE UNDER  
SECTIONS 341, 384, 420, 504, 506, 511 R/W 149 OF IPC IN CRL.  
MISC. 1948/2019 IN RESPECT OF ACCUSED NO.4 ON THE FILE  
OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
BELAGAVI, BY ALLOWING THIS CRIMINAL PETITION.

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

ORDER

This petition is filed by the petitioner/accused No.4 under Section 439 of Cr.P.C. seeking for grant of bail in connection with Crime No.89/2019 of Hirebagewadi Police Station.

2. The facts briefly stated in the petition are that, on the basis of the complaint filed by Smt. Rekha Rajendra Galaga, Anganwadi worker, the police have registered a case. The allegations are that, on 19.08.2019, at about 11.00 am, the petitioner/accused No.4 along with four other persons came on motorcycles bearing registration No.KA-22/EV-9556 and KA-22/ER- 0527 and trespassed into Anganwadi Centers and attempted to snatch their mobile phones. Thereafter under the guise of inspecting the ration stored there, they have demanded Rs.2,00,000/- from each of the Anganwadi workers. On registering the complaint, the police have arrested accused Nos.1 to 5 on 20.08.2019. The bail petition filed by the petitioner is rejected by the V Addl. Civil Judge and JMFC, Belagavi.

3. Heard the counsel for the petitioner and the learned HCGP.

4. Counsel for the petitioner submitted that the allegations made in the complaint are false and baseless. The petitioner has been falsely implicated in this case. There is no prima facie evidence to connect the accused with the alleged offence. The petitioner do not have any criminal antecedents. Due to detention, he is put to great hardship.

5. Per contra, learned HCGP submitted that the petitioner/accused No.4 along with four other accused has illegally conducted raid without having any authority and they have attempted to extort money from the complainant and other Anganwadi workers. The investigation is not yet completed. In the event of granting bail, the accused is likely to interfere with the investigation and tamper the prosecution witnesses.

6. As could be seen from the records and the complaint averments, it is evident that the petitioner who is accused No.4 and other accused persons have trespassed and conducted the raid illegally by posing themselves as members of the District Human Rights Committee.

7. It is pertinent to note that the petitioner/accused No.4 and other accused have not been apprehended in the presence of the complainant or other Anganwadi workers. Generally while considering the application for bail, we should avoid the detail or elaborate enquiry or documentation. The detailed examination or elaborate documentation of the merits of the case is not required at this stage. No party should have the impression that his case has been prejudiced. To be satisfied about the prima facie case is needed, but it is not the same as an exhaustive exploration of the merits in the order itself.

8. Admittedly, the accused have been arrested on 20.08.2019. It is submitted that on account of the availability of the CCTV footage, the identification parade may not be necessary. The main objection of the prosecution is that, in the event of granting bail, the accused is likely to tamper the prosecution witnesses. The said objection may be set right by imposing stringent conditions.

have been enlarged on bail by order dated 25.09.2019 passed by this Court in CrI.P.No.101774/2019. Hence the petitioner/accused No.4 is also entitled for bail on the ground of parity.

10. Considering the facts and circumstances of the case and the grounds made out by the counsel for the petitioner, this Court is of the view that there are valid reasons for granting bail. Hence I proceed to pass the following:

ORDER The petition filed under Section 439 Cr.P.C., is allowed. Consequently, the petitioner shall be released on bail in connection with Crime No.89/2019 of Hirebagawadi Police Station, pending on the file of the Principal District and Sessions Judge, Belagavi, subject to following conditions :

- i. The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one solvent surety for the likesum to the satisfaction of the jurisdictional Court/ Committal Court.
- ii. The petitioner shall not indulge in tampering the prosecution witnesses.
- iii. The petitioner shall appear before the Trial Court/Session court on all the future hearing dates unless prevented by any genuine cause.
- iv. The petitioner shall not leave the jurisdiction of the trial Court/Sessions Court without prior permission, till the disposal of the case.

Violation of the above conditions would result in cancellation of the bail automatically.

Sd/-

JUDGE gab