

Nagarajau vs The State Of Karnataka on 4 September, 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF SEPTEMBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE ASHOK G. NIJAGANNAVAR

CRIMINAL PETITION NO.3874 OF 2020

BETWEEN:

NAGARAJU,
SON OF LAKKAPPA,
AGED ABOUT 41 YEARS,
RESIDING AT LAKKAPPA,
NEAR ARALIMARA,
HURALIHALLI, BUDIHAI,
BANGALORE RURAL,
KARNATAKA - 562123. ... PETITIONER

(BY SRI BHADRAVADI SIDDESHWARA, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
BY:NELAMANGALA RURAL P.S.,
BANGALORE RURAL DISTRICT
BANGALORE,
(REP: BY THE S.P.P.,
HIGH COURT PREMISES,
BENGALURU) - 560001. ... RESPONDENT

(BY SRI H.R.SHOWRI, HCGP FOR RESPONDENT STATE)

THIS CRIMINAL PETITION FILED UNDER SECTION 438
CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN
THE EVENT OF HIS ARREST IN CR.NO.124/2020 OF

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NELAMANGALA BANGALORE RURAL P.S., BANGALORE
DISTRICT FOR THE OFFENCE P/U/S 384, 504, 506 R/W 34
OF IPC.

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

ORDER

This petition is filed under Section 438 Cr.P.C. by accused No.2 seeking Anticipatory Bail in the event of his arrest in Crime No.124/2020 of Nelamangala Police Station, Bengaluru Rural District for the offences punishable under Sections 384, 504, 506 read with Section 34 IPC pending on the file of Principal Civil Judge and JMFC, Nelamangala.

2. The facts leading to the petition are that on the complaint filed by one Sri Byregowda S/o late Ganga Hanumaiah, the police have registered the case. The allegations are that on 06.08.2020 afternoon at about 12.56 p.m. the complainant received the mobile call from No.7204867151. The caller disclosed his name as Bettangere Manja and he threatened that the complainant should give him One Crore rupees, if he does not pay the money within two days his boys will come. Thereafter once again the call was received from same number. It was learnt that the person calling him was Bettanagere Shankar. The said person abused him in a filthy language to give the money and threatened that if he does not give the money, his boys will kill him. The petitioner is arraigned as accused No.2. On registering the case the police officials are making attempts to arrest the petitioner. The bail petition filed before the Sessions Court is rejected.

3. Heard learned counsel for the petitioner and learned High Court Government Pleader. Perused the records.

4. Learned counsel for the petitioner vehemently contended that the allegations made in the complaint against accused No.2 are that a person called Bettangere Manjunath and Bettangere Shankar have threatened him to extort money from the complainant. The accused No.2 is nowhere connected with the said attempt of extortion. This petitioner has been falsely implicated in this case. The accused Nos.1, 3, 4 and 5 have been granted regular bail by the learned Magistrate. The learned Sessions Judge has rejected the bail application only on the reason that the offences alleged are heinous one and the material placed on record prima facie goes to show the involvement of the present petitioner in the alleged offence. In the event of arrest and detention the petitioner would be put to great hardship and injustice.

5. Per contra, the learned High Court Government Pleader submitted that there is ample evidence to prove the involvement of the petitioner in the alleged offence. The presence of the petitioner is required for custodial interrogation. In the event of granting anticipatory bail he is likely to abscond and interfere with the investigation.

6. Having heard the submission of the learned counsel for the petitioner and the learned High Court Government Pleader, this Court has gone through the averments made in the complaint wherein there are allegations about mobile call made from the No.7204867151. According to the complainant, the persons who had made the mobile calls were Bettangere Manjunath and Bettangere Shankar. But in the Remand application it is submitted that the mobile No.7204867151 is that of a person called Ashok Robin Das bin Lal Bahaddur Robin. During the course of investigation the police have collected some material. At this juncture it is needless to make elaborate discussion to give finding about these records as the same is not permissible while

considering the bail application.

7. The grounds stated in the bail application and submission of the counsel goes to prove the apprehension of the petitioner regarding his arrest and detention. The main objection of the prosecution is that the petitioner being the member of conspiracy has attempted to extract money from the complainant as such he is required for interrogation. In the event of granting bail, he is likely to abscond and interfere with the investigation. The said objections may be set right by imposing stringent conditions. In the facts and circumstances of the case this court is of the view that there are valid grounds for granting bail, subject to certain terms and conditions. Hence I proceed to pass the following .

ORDER The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with Crime No.124/2020 of Nelamangala Police Station, Bengaluru Rural District, subject to the following conditions:-

i) The petitioner shall surrender himself before the Investigating Officer within one week from the date of receipt of a certified copy of this order and shall execute personal bond for a sum of Rs.1,00,000/-

(Rupees One Lakh Rupees only) with two surety for the like-sum to the satisfaction of the concerned Investigating Officer.

ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.

iii) The petitioner shall co-operate with the Investigating Officer to complete the investigation, and he shall appear before the Investigating Officer as and when called for.

iv) The petitioner shall not leave the jurisdiction of the Investigating Officer without prior permission, till the charge sheet is filed or for a period of three months whichever is earlier.

v) The petitioner shall mark his attendance to the concerned Police Station on every Monday till filing of charge sheet.

Sd/-

JUDGE ykl