

(2024) 12 KAR CK 0005
In the Karnataka High Court
Case No : Criminal Petition No. 9346 Of 2024

Ankith C

APPELLANT

Vs

State Of Karnataka Vidhana Soudha P.S Rept By State Public
Prosecutor High Court Building Bangalore - 560001

RESPONDENT

Date of Decision : 06-12-2024

Acts Referred:

Indian Penal Code, 1860 — Section 419, 465, 468, 471
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2024) 12 KAR CK 0005

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Veerabhadra R.S, K. Rahul Rai

Final Decision : Dismissed

Judgement

S Vishwajith Shetty, J

1. Accused No.2 in Crime No.109/2023 registered by Vidhana Soudha Police Station, Bengaluru City, for the offences punishable under Sections 419, 465, 468 and 471 of IPC, is before this Court under Section 438 of Cr.P.C. seeing anticipatory bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.109/2023 was registered by Vidhana Soudha Police Station, Bengaluru City, against Rajendra and petitioner herein for the aforesaid offences on the basis of the first information dated 02.12.2023 submitted by Dr. Venkateshaiah, who is the Personal Secretary of the Hon'ble Chief Minister of the State of Karnataka. Apprehending arrest in the said case, petitioner had filed CrI.Misc.No.12157/2023 before the jurisdictional Sessions Court which was rejected on 21.12.2023. Thereafter, he had approached this Court in CrI.P.No.148/2024 which was dismissed as withdrawn on the basis of memo filed by learned counsel for the petitioner. Subsequently, he has filed this successive

bail petition under Section 438 of Cr.P.C. seeking anticipatory bail.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He does not know accused No.1 and he had given his Adhaar Card to his acquaintance. The said Adhaar Card has been misused by accused No.1. Petitioner is a student and is ready and willing to cooperate with the police for the purpose of investigation. Accordingly, he prays to allow the petition.

5. Per contra, learned HCGP has opposed the petition. He submits that petitioner is the beneficiary of the fraudulent letter dated 18.09.2023 and therefore, his custodial interrogation would be necessary to identify other accused persons who are involved in the crime. Accordingly, he prays to dismiss the petition.

6. In the first information, it is mentioned that accused No.1 claiming himself to be the Personal Secretary of Hon'ble Chief Minister of the State of Karnataka had addressed a letter to the Minister of Public Works Department recommending the case of petitioner for appointment on temporary basis. Subsequently, after coming to know that the said letter was a fraudulent document, proceedings has been initiated against accused persons, who have created the documents. Petitioner is the beneficiary of the aforesaid letter dated 18.09.2023 and he cannot plead that he is totally unaware about the fraud. Petitioner had earlier approached this Court in CrI.P.No.148/2024 and the said petition was dismissed as withdrawn on the basis of the memo filed by the petitioner. Even thereafter, petitioner has not cooperated with the police for the purpose of investigation and on the other hand, now a successive bail application is filed. Considering the nature of allegations found in the first information and since the petitioner is the direct beneficiary of the alleged fraud, I am of the opinion that his custodial interrogation would be necessary in the case and therefore, his prayer for grant of anticipatory bail cannot be granted. Accordingly, the petition is dismissed.