

(2021) 05 KAR CK 0035
In the Karnataka High Court
Case No : Criminal Petition No. 3134 Of 2021

Dr. L. Babu & Others

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 353, 384, 506

Citation : (2021) 05 KAR CK 0035

Hon'ble Judges : Mohammad Nawaz, J

Bench : Single Bench

Advocate : S. Balakrishnan. Showri H.R

Final Decision : Allowed

Judgement

Mohammad Nawaz J

1. This petition is filed under Section 438 of Cr.P.C. by the petitioners/accused No.1 and 2, seeking anticipatory bail in connection with a case

registered in Crime No.12/2021 of BEML Nagar Police Station, KGF, for offence punishable under Sections 353, 384, 506 read with Section 34 of

IPC.

2. It is alleged by the prosecution that the first informant Sri. Muralidhar is working as FDA at ARTO Office in KGF. On 18.12.2020 at 5.00 p.m.,

while he was discharging his duty as a public servant, Accused No.2 came to the ARTO office and asked him to come out of the office stating that

accused No.1 intends to meet him. He was taken behind the office premises where accused No.1 was present. The said accused demanded a sum of

Rs.50,000/- from him and when the first informant refused to pay the amount, both the accused threatened him and deterred him from discharging his

duties as a public servant. It is further alleged that on 09.03.2021 at about 5.30 p.m., accused No.1 came to the ARTO office and demanded

Rs.1,00,000/- from the first informant stating that he has misappropriated the amount belonging to the Government and that he has published the same

in his weekly newspaper ""Pullertone"". He threatened him that if Rs.1,00,000/- is not paid, he will get him transferred.

3. Heard the learned counsel for petitioner, learned HCGP for respondent-State and perused the material on record.

4. The incident is alleged to have taken place on 18.12.2020 and 09.03.2021. The first information report is lodged on 25.03.2021. There is an

inordinate delay in informing the matter to the police. Nothing prevented the first informant to immediately inform the matter to the police. It is not the

case of the prosecution that the first informant has paid any amount to these petitioners. In the complaint, it is mentioned that after taking permission

from the higher officers, the complaint was lodged belatedly. The complainant has not explained as to why it was necessary for him to take permission

of his superiors to lodge the complaint, as no such a permission is required to lodge a complaint.

5. The learned HCGP would contend that there are witnesses to the alleged incident and the investigation is pending. He submits that in the event of

grant of relief to the petitioners they may not cooperate with the investigation. He would further contend that these petitioners have criminal

antecedents and therefore not entitled for the relief of anticipatory bail. Hence, seeks to reject the bail petition.

6. The offence alleged is not punishable with death or imprisonment for life. There is an inordinate delay in lodging the complaint. The allegations

made against the petitioners have to be established in a full fledged trial. According to the learned counsel for the petitioners, the petitioners are part of

Human Rights Organization and they have exposed the misdeeds of officials in their publication. Therefore in order to curtail their activities, a

fabricated FIR has been registered. He submits that the petitioners are ready to abide by any conditions that may be imposed by this Court.

7. Considering the above facts and circumstances, the relief sought by the petitioners can be granted by imposing suitable conditions. Hence, I pass

the following:

ORDER The criminal petition is allowed. The petitioners - Accused Nos.1 and 2 shall be enlarged on bail in the event of their arrest in Crime

No.12/2021 of BEML Nagar Police Station, for offence punishable under Sections 353, 384, 506 read with Section 34 of IPC, subject to following

conditions:

(i) Petitioners shall appear before the Investigation Officer within a period of 2 weeks from the date of receipt of a copy of this order and shall

execute personal bond each in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for like sum and shall cooperate with the

investigation of the case.

(ii) Petitioners shall furnish proof of their correct residential address and shall inform the court/ Investigation Officer regarding change of address, if

any.

(iii) Petitioners shall make themselves available for the purpose of investigation as and when necessary and shall cooperate with the investigation.

(iv) Petitioners shall not tamper with the prosecution evidences/witnesses either directly or indirectly.

(v) Petitioners shall be regular in attending the court proceedings.