

(2022) 04 KAR CK 0024
In the Karnataka High Court
Case No : Criminal Petition No. 2566 Of 2022

M K Sanjay Kumar

APPELLANT

Vs

State - Through The Sheshadripuram Police Station
Bengaluru

RESPONDENT

Date of Decision : 13-04-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 409, 420, 465, 468, 471, 472

Citation : (2022) 04 KAR CK 0024

Hon'ble Judges : V. Srishananda, J

Bench : Single Bench

Advocate : Gaurav G K, K.Rahul Rai

Final Decision : Allowed

Judgement

V. Srishananda, J

1. Heard Sri. Gaurav G. K., learned counsel for the petitioner and Sri. K. Rahul Rai, learned High Court Government Pleader for the respondent-State. Perused the records.

2. This petition is filed under Section 438 of Cr.P.C. with the following prayer:

"Wherefore, it is prayed that this Hon'ble Court be pleased to grant an order of anticipatory bail to the petitioners herein, directing the respondent to release the petitioner forthwith on bail in the event of his arrest in connection with Crime No.15/2022 of Sheshadripuram Police Station, Bengaluru for the alleged offences punishable under Sections 409, 420, 465, 468, 471 & 472 of IPC, pending on the file of IV ACMM, Bengaluru, in the interest of justice and equity."

3. The brief facts of the case are as under:

The Vigilance Officer attached to the BDA has lodged a complaint alleging fraud in respect of BDA property. The Seshadripuram Police have registered a case in

Crime No.15/2022 on 21.01.2022.

4. The attempt made by the petitioner seeking grant of anticipatory bail was turned down by the learned District Judge by order dated 21.02.2022 in Crl. Misc. No.974/2022. Thereafter, the petitioner is before this Court.

5. Learned counsel for the petitioner submits that in respect of the similar allegations, Seshadripuram police had also registered a case in Crime No.17/2022. In respect of which, this Court has granted anticipatory bail to the petitioner in Crl.P. No.2528/2022 and the petitioner is directed to joint the investigation on 18.04.2022 and therefore, sought for grant of anticipatory bail in this case also.

6. Per contra, learned High Court Government Pleader did not dispute the same.

7. Having regard to the similitude of the allegations found in the present petition and the petition wherein the petitioner has already granted anticipatory bail, this Court is of the considered opinion that the petitioner is also entitled for an anticipatory bail in this Case and directing him to appear before the Investigating Agency on 18.04.2022 to meet the ends of justice.

8. Accordingly, this Court pass the following:

ORDER

1. The Criminal Petition is allowed.

2. Petitioner is directed to join the investigating Agency on 18.04.2022 before the Seshadripuram Police Station at 10.00 a.m.

3. The Investigation Officer shall take the petitioner to custody and complete the custodial investigation if any, on the same day before 6.00 p.m. Thereafter, let the petitioner be on bail, on executing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum to the satisfaction of the trial Court.

4. Petitioner shall not tamper the prosecution evidence or hamper the investigation process in any manner.

5. Petitioner shall mark his attendance before the Investigating Officer on every alternate Sunday between 10.00 am and 2.00 pm., till the final report is filed.

6. Petitioner shall not leave the jurisdiction of Bengaluru District without prior permission.

7. Petitioner shall attend the Court regularly.

Violation of any one of the conditions would entitle the prosecution to seek for cancellation of the bail.

Ordered accordingly.