(2025) 07 KAR CK 0457

In the Karnataka High Court, Principal Bench

Case No : Criminal Petition No. 7914, 7652 Of 2025

Manjunatha A — APPELLANT

Vs

State Of Karnataka — RESPONDENT

Date of Decision : 04-07-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 483
Bharatiya Nyaya Sanhita, 2003 — Section 109, 115(2), 126(2), 189(2) 190, 191(2), 352

Citation : (2025) 07 KAR CK 0457

Hon'ble Judges : Venkatesh Naik T, J

Bench : Single Bench

Advocate : S. C. Hiremath, Abhishek Malipatil

Final Decision : Allowed

Judgement

S Vishwajith Shetty, J

1. Accused Nos.1 and 4 in Crime.No.54/2025 registered by Vemagal Police Station, Kolar District for the offences punishable under Sections 316(4), 316(5), 318(4), 306, 61(2) R/w 3(5) of BNS, 2023 are before this Court in these two petitions under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime.No.54/2025 was registered by Vemagal Police Station, Kolar District for the aforesaid offences against Madhu and others on the basis of the first information dated 19.03.2025 submitted by Sri Ashok Kumar M, Assistant General Manager and authorized representative of Canara Bank, Regional office, Kolar. Apprehending arrest in the said case, the petitioners herein, who are arraigned as accused Nos.1 and 4 in the FIR had filed Crl.Misc.No.272/2025 and Crl.Misc.No.266/2025 before the jurisdictional Sessions Court, which were rejected on 28.04.2025. Therefore, they are before this Court.

4. Learned counsel appearing for the petitioners submits that the petitioners are

working as sweeper and peon respectively in the branch office of the Canara Bank. They have been falsely implicated in the present case for extraneous reason. They do not have any criminal antecedents. They are ready and willing to cooperate with the police for the purpose of investigation. Accordingly, they pray to allow the petitions.

5. Per contra, the learned HCGP, who has filed statement of objections has strongly opposed the petitions. She submits that considering the nature of allegations found in the FIR custodial interrogation of the petitioners is necessary in the present case. Accordingly, she prays to dismiss the petitions.

6. In the FIR, which is submitted by the Assistant General Manager of the Canara Bank he has stated that during periodical inspection of gold ornaments in the branch office at Madderi in Kolar, it was found that 9 gold bags were missing. On enquiry, it was found that accused named in the FIR were indulged in committing theft of gold articles, pledged in the bank and it was also found that huge amount was transferred from the account of the customers of the bank to the individual account of the accused and their relatives and thereby money of the customers was misappropriated.

7. Accused No.1 during the course of enquiry had confessed to his crime and material on record would go to show that, he had deposited a sum of Rs.47,81,000/- to the bank account, which was towards the funds misappropriated by him and also towards the theft of gold ornaments, which were pledged in the bank by the customers. In the first information it is mentioned that, there is huge money transaction in the bank account of accused No.1 and money was transferred from the account of the customers of the bank to his bank account.

8. Though the learned counsel appearing for accused No.1 has made a submission that by selling the family property he has repaid the amount, which was misappropriated by him, there is no material produced by the learned counsel to substantiate his contention. Insofar as accused No.4 is concerned though there is an allegation of he participating in the alleged crime, in the first information there are no serious allegations found as against accused No.4.

9. Learned HCGP during the course of arguments has stated that accused No.4, who is working as a peon in the bank has purchased a Maruti Omni car and also there is huge transaction in his bank account extract. Learned counsel for the petitioner has produced material before this Court to show that car was purchased by him by availing loan from the bank, in which he is an employee and his bank account extract produced does not reflect any doubtful transaction in his bank account.

10. Considering the aforesaid aspects of the matter, I am of the opinion that, the prayer made by accused No.1 for grant of anticipatory bail cannot be entertained and accused No.4 has made out a case for grant of anticipatory bail.

11. Accordingly, the following:

ORDER

Crl.P.No.7652/2025 filed by accused No.1 is dismissed. Crl.P.No.7914/2025 filed by accused No.4 is allowed. Petitioner / Accused No.4 is directed to be enlarged on bail in Crime.No.54/2025 registered by Vemagal Police Station, Kolar District for the offences punishable under Sections 316(4), 316(5), 318(4), 306, 61(2) R/w 3(5) of BNS, 2023, subject to the following conditions:

a) Petitioner/accused No.4 shall execute a personal bond for a sum of Rs.1,00,000 (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) Petitioner/accused No.4 shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) Petitioner/accused No.4 shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) Petitioner/accused No.4 shall not involve in similar offences in future;