

(2017) 06 KAR CK 0013
In the Karnataka High Court
Case No : 3646 of 2017

Mr. Sunkanna, S/o. Ramalingappa

APPELLANT

Vs

State of Karnataka, By Anti Corruption Bureau

RESPONDENT

Date of Decision : 01-06-2017

Acts Referred:

[Prevention of Corruption Act, 1988](#), [Section 7](#) / [Section 13\(2\)](#), [Section 13\(1\)\(d\)](#) -
Public servant taking gratification other than legal remuneration in respect of an official ac

Citation : (2017) 06 KAR CK 0013

Hon'ble Judges : Rathnakala

Bench : SINGLE BENCH

Advocate : T.S.Pramod Chandra, B.N.Jagadeesha

Final Decision : Allowed

Judgement

1. Heard the learned counsel appearing for the petitioner and learned Special Public Prosecutor appearing for the respondent - Anti Corruption Bureau, Bengaluru City (for short "ACB").

2. The petitioner is arrayed as accused No.1 by the Investigating Officer of respondent - ACB in their Crime No.11/17 registered in respect of the offences punishable under Sections 7, 13(1) (d) R/w 13(2) of Prevention of Corruption Act, 1988.

3. The gist of the allegation against the petitioner is that he works as a judgment writer in the office of Assistant Registrar of Enquiries, Lokayuktha, Bengaluru. The complainant, a Police Constable was prosecuted in respect of offences punishable under Sections 7, 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act and after a full fledged trial, was acquitted. In this regard, the complainant required certain certification to the effect that it was not a fit case for appeal to produce the same before the legal department. In this regard, he approached the petitioner for the doing the needful and it is alleged that the

petitioner demanded bribe of Rs.34,000/- and in advance received Rs.1,000/- and remaining was to be paid to the second accused who works as a Police Constable in Bellary. The complaint was registered, consequently the said second accused was trapped while accepting tainted currency notes etc.

4. Sri.I.S.Pramod Chandra, learned counsel for the petitioner submits that the petitioner is innocent of the offences. In fact, the certificate to the effect that it is not a fit case for appeal was forwarded by the Lokayuktha to the legal department of the State long back. No work pertaining to the complainant was pending before the petitioner. The petitioner is in custody for the last 56 days. The second accused is enlarged on bail by the order of this Court dated 30.5.2017 in CrI.P.No.3640/17.

5. Sri.B.N.Jagadeesha, learned Special Public Prosecutor has vehemently opposed the petition.

6. However, having regard to the fact that the major portion of the investigation is already complete, the circumstances do not warrant continued detention of the petitioner till filing of the final report. In the given circumstances, there is no impediment to allow the petition.

7. Accordingly, the petition is allowed. The petitioner is enlarged on bail in Crime No.11/17 registered by the respondent - ACB, subject to the following conditions:

(1) He shall execute self-bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the concerned Court. The surety shall produce his Aadhar Card/Identity Card and the original title deeds pertaining to immovable property for perusal of the Court.

(2) He shall cooperate with the Investigating Officer in further course of investigation and (3) He shall not prevail upon or terrorize the complainant.