

(2014) 11 KAR CK 0298
In the Karnataka High Court
Case No : Criminal Petition No. 6917 of 2014

P. Mohan Ram

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 21-11-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438

Citation : (2014) 11 KAR CK 0298

Hon'ble Judges : A.V. Chandrashekara, J

Bench : Single Bench

Advocate : B.K. Narendra Babu, Advocate for the Appellant; B. Vishweswaraiah, HCGP, Advocate for the Respondent

Judgement

A.V. Chandrashekara, J.—This petition is filed under Section 438 of Cr.P.C. The petitioners have presented this anticipatory bail application relating to Crime No. 186/2013 on the file of the respondent - Hiriur Town Police on the ground that they are likely to be arrested at the hands of respondent - police and that their names do not find a place in the first information lodged by the first informant.

2. The learned Government Pleader has vehemently opposed the bail application on the ground that no reference is found only with regard to the third petitioner - Lakshminarayana Shetty.

3. Perused the order dated 28.10.2014 passed in CrI. Misc. No. 436/2014 by the learned Addl. District and Sessions Judge, Chitradurga rejecting the bail application filed under Section 438 of Cr.P.C.

4. Name of all these petitioners except petitioner No. 3 are found in the objections raised by the learned Public Prosecutor before the Sessions Court at paragraph 2(d) of the order wherein the Public Prosecutor has made reference to Srinivas, S.G. Sathyanarayana, K. Prakash, R. Narasimhamurthy, Kariyanna, T. Mohan and Smt. Ranganaike, who have borrowed loan and have cheated the Government. In the light of the same the apprehension that the police are likely

to arrest the petitioner Nos. 2 and 4 i.e., Smt. Ranganayaki and K. Prakash cannot be found fault with. In the absence of the first information the anticipatory bail as prayed by the lady is granted as per the decision rendered in Shri Gurbaksh Singh Sibbia and Others Vs. State of Punjab, .

5. The petition is allowed and anticipatory bail is granted to the petitioners, subject to the following conditions:--

"(i) Petitioners shall be released on anticipatory bail in the event of their arrest in Crime No. 186/2014 on the file of the Hiriur Town Police Station, Chitradurga District, on their executing a personal bond for a sum of Rs. 75,000/- each with one surety for the likesum to the satisfaction of the Investigating Officer;

(ii) Petitioners shall surrender before the Investigating Officer on or before 6.12.2014;

(iii) Petitioners shall not hold out threats to the prosecution witnesses in any manner and shall not try to lure them in any manner

(iv) Petitioners shall not involve themselves in any criminal activities.

(v) Petitioners shall co-operate with the Investigating Officer in conducting further investigation;