

(2020) 04 KAR CK 0054
In the Karnataka High Court
Case No : Criminal Petition No. 2177 Of 2020

Shanthappa & Others

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 28-04-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Prevention Of Corruption Act, 1988 — Section 7(a), 7(A), 13(1)(a), 13(1)(b), 13(2)

Citation : (2020) 04 KAR CK 0054

Hon'ble Judges : Sreenivas Harish Kumar, J

Bench : Single Bench

Advocate : P.N. Hegde, Jeevan J. Neeralagi

Final Decision : Allowed

Judgement

Sreenivas Harish Kumar, J

1. Heard the learned counsel for the petitioners and the learned HCGP for the respondent-State.

2. This is petition under Section 439 Cr.P.C. The respondent-police have registered a complaint against the petitioners for the offences punishable under Sections 7(a), 7(A), 13(1)(a), 13(1)(b) read with 13(2) of the Prevention of Corruption Act.

3. The allegations against the petitioners are that when the Government purchased the Tur dal from the farmers through the PKP Society at

Huvinahipparagi, the petitioners in the capacity of Secretary and salesmen of the Society respectively collected Rs.100/- per ton from every farmer.

This information was given to the police by one Chandrashekar on 26.02.2020.

4. The learned counsel for the petitioners submits that there is no truth in the allegations made by the petitioners. Nobody has disclosed the names of

the petitioners. The offences as lodged against them under the provisions of the Prevention of Corruption Act are not made out. Investigation is almost completed and therefore the petitioners can be released on bail.

5. The learned High Court Government Pleader submits that in case the petitioners are released on bail, they will tamper with evidence and threaten the witnesses.

6. As it is found that investigation is almost completed and considerable recovery is also made from the petitioners, I do not find at this stage that there is any impediment for granting bail to the petitioners. If at all any investigation is pending, it cannot be said that the petitioner will interfere with the investigation process. Therefore the following:

ORDER

- i. Petition is allowed.
- ii. The petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) and providing two sureties for the likesum to the satisfaction of the trial Court.
- iii. They shall appear before the Police Station once in fortnight on a Monday between 9.00 a.m. and 12.00 noon and mark their appearance before the police, till charge sheet is filed.
- iv. They shall regularly appear before court for trial.
- v. They shall not threaten the witnesses or destroy the evidence.

This order be communicated to the prison authorities.