(2018) 01 KAR CK 0147

In the Karnataka High Court

Case No : 9328 of 2017

Sri Madhusudan Rao @ Madhu APPELLANT

Vs

State of Karnataka RESPONDENT

Date of Decision : 08-01-2018

Acts Referred:

Code of Criminal Procedure, 1973, Section 438 - Direction for grant of bail to person apprehending arrest
Indian Penal Code, 1860, Section 420, <a href=1767-409>Section

Citation : (2018) 01 KAR CK 0147

Hon'ble Judges : Budihal R.B.

Bench : Single Bench

Advocate : Nataraja Ballal, K Nageshwarappa

Final Decision : Allowed

Judgement

1. This petition is filed by the petitioner/accused No.1 under Section 438 of Cr.P.C. seeking anticipatory bail to direct the respondent-police to

release the petitioner on bail in the event of his arrest for the offences punishable under Sections 406, 409 and 420 of IPC registered in respondent

police station Crime No.379/2017.

2. Heard the arguments of the learned counsel appearing for the petitioner/ accused No.1 and also the learned High Court Government Pleader

appearing for the respondent-State.

3. Learned counsel for the petitioner during the course of his arguments submitted that even looking to the allegations in the complaint, no prima

facie case is made out to attract the provisions of alleged offences. So far as another case in Crime No.192/2017 is concerned, it is submitted that petitioner has been already granted bail. Learned counsel has submitted that petitioner is ready to abide by any reasonable conditions to be

imposed by the Court and he will also co-operate with the investigation agency. Hence, it is submitted to allow the petition and to grant

anticipatory bail in favour of petitioner-accused No.1.

4. Per contra, learned High Court Government Pleader opposed the bail petition contending that petitioner is also involved in another Crime

No.192/2017. Custodial interrogation of the petitioner is necessary. Hence, petitioner is not entitled to be granted with bail.

5. I have perused the grounds urged in the bail petition, FIR, complaint and other materials placed on record.

6. In the complaint it is the contention of the complainant that the petitioner herein being the Field Officer in the Corporation Bank has obtained his

signatures and then misused the same and thereby got transferred the amount from the account of the complainant into the account of one Arun.

However, these allegations are denied by the petitioner in his bail petition and he has stated that there is a false implication and he is totally

unconnected with the RTGS transaction of the complainant.

7. So far as the sanctioned loan of Rs.45 lakhs is concerned, even according to the complainant himself, he has withdrawn an amount of Rs.26

lakhs. Therefore, remaining amount is only Rs.19 lakhs. Hence, there is no question of petitioner committing the alleged offences. Petitioner has

also undertaken to abide by any reasonable conditions to be imposed by the Court and also to co-operate with the investigation agency. The

alleged offences are triable by the Magistrate Court and are not exclusively punishable with death or imprisonment for life. Hence, I am of the

opinion that petitioner can be granted with anticipatory bail.

8. Accordingly, petition is allowed. The respondent-Police are directed to enlarge the petitioner on bail in the event of his arrest for the alleged

offences punishable under Sections 406, 409 and 420 of IPC registered in respondent police station Crime No.379/2017, subject to the following

conditions:

i. Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- and shall furnish one surety for the likesum to the satisfaction of the arresting

authority.

ii. Petitioner shall not tamper with any of the prosecution witnesses, directly or indirectly.

iii. Petitioner shall make himself available before the Investigating Officer for interrogation as and when called for and to co-operate with the further

investigation.

iv. Petitioner shall appear before the concerned Court within 30 days from the date of this order and to execute the personal bond and the surety

bond.

