

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 25TH DAY OF APRIL 2014

BEFORE

THE HON'BLE MR. JUSTICE BUDIHAI R.B.

CRIMINAL PETITION NO.1821 OF 2014

BETWEEN:

SRI. GOLLAPOODI NARENDRA BABU
S/O HANUMANTH RAO
AGED ABOUT YEARS
OCC: STUDENT
R/AT NO LAKSHMI GANAPATHI PG
BEHIND ANUGRAHA HOSPITAL
ELECTRONIC CITY POST
BANGALROE-560 100.

... PETITIONER

(BY SRI.C.R.RAGHAVENDRA REDDY, ADV.,)

AND:

STATE OF KARNATAKA BY
PARAPPANA AGRAHARA POLICE
BANGALORE CITY
REP BY SPP HIGH COURT
BANGALORE-01

... RESPONDENT

(BY SRI.K.NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.228/2013 OF PARAPPANA AGRAHARA P.S., BANGALORE CITY, PENDING ON THE FILE OF THE P.O., FTC-XII, BANGALORE IN S.C.NO.1438/13 FOR THE OFFENCES P/U/S 489(A), (B), (C), (D) AND (E) OF IPC.

THIS CRIMINAL PETITION COMING ON FOR ORDERS
THIS DAY, THE COURT PASSED THE FOLLOWING:-

ORDER

This is the petition filed by the petitioner – accused No.1 under Section 439 of Cr.P.C. seeking his release on bail for the offences punishable under Sections 489(B) and 489(C) of IPC registered by the respondent – police in Crime No.228/2013. While filing the charge sheet, the offence under Section 489(A) was also included.

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

3. Learned counsel for the petitioner during the course of his argument submitted that the prosecution has not placed any cogent and satisfactory material to show the involvement of the present petitioner in the commission of the alleged offences. Learned counsel

made the submission that as per the case of the prosecution, laptop has been seized from the possession of the present petitioner. He submitted that through the ordinary laptop fake currency notes cannot be printed. Hence, submitted this itself goes to falsify the case of the prosecution. He submitted that even according to the prosecution case that on 07-08-2013 itself, he went to the wine shop and purchased the beer bottle and paid Rs.110/- to the shop owner. But even then for two days the prosecution has not come up with a case that he has given the fake currency notes and thereby, he has committed the alleged offences. Counsel submitted that it is the allegation of the complainant that again on 09-08-2013, petitioner went to the said shop, again he purchased kingfisher beer bottle and paid Rs.110/- and at that time, looking to Rs.110/- currency note they suspected and asked the petitioner, but he did not give proper answer. He submitted that CW-7, whose statement has been recorded by the Investigating Officer during

investigation said to be the friend of the present petitioner staying along with him in the room. But he has not stated in his statement that he has seen the present petitioner involved in printing the fake currency notes in the said room. He also submitted that now the investigation of the case is completed and charge sheet has been filed. Even according to the case of the prosecution, petitioner is the student and next month he is to appear for the examination of the 5th semester. Therefore, by imposing any reasonable conditions, he may be admitted to bail.

4. As against this, learned High Court Government Pleader during the course of his argument submitted that from the possession of the petitioner fake currency notes were seized, so also the laptop is also seized in the presence of the panch witnesses. Hence, he submitted this itself goes to show the involvement of the present petitioner in the commission

of the alleged offences. Hence, petitioner is not entitled to be granted with bail.

5. I have perused the averments made in the bail and also charge sheet material produced by the learned counsel appearing for the petitioner. Looking to the allegations made in the complaint and as it is submitted by the counsel for the petitioner that if on 07-08-2013 itself, he went to the said shop and gave the currency notes, if it was a fake note, immediately prosecution would have proceeded with the matter. Therefore, it goes to create an impression that to make out a case again, it is alleged that the present petitioner went to the said shop on 09-08-2013 also and again given Rs.110/- wherein, the currency note of the denomination of Rs.100/- was a fake currency note. In the petition, he has denied the allegations made against him and it is his contention that he has been falsely implicated in the case. It is also the contention of the petitioner that with the help of the ordinary laptop fake

currency notes cannot be printed unless, they are having printer and other accessories. Any how, it is a mater to be ascertained during the course of trial by the trial Court after recording the evidence. But as submitted, the present petitioner is said to be studying in the college. He is a student and next month he has to appear for the examination of 5th semester. The investigation of the case is already completed. The seizure of the alleged fake currency notes and laptop everything is already seized and nothing further is to be seized from the possession of the present petitioner. It is his contention that since from the date of his arrest, he is in custody. The alleged offences are also not exclusively punishable with death or imprisonment for life. Therefore, to secure his presence before the trial Court during the trial proceedings, stringent conditions can be imposed and he can be admitted to bail.

6. Accordingly, petition is allowed.

The petitioner – accused No.1 are ordered to be released

on bail for the offences punishable under Sections 489(B) and 489(C) of IPC registered by the respondent – police in Crime No.228/2013. While filing the charge sheet, the offence under Section 489(A) was also included, subject to the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety for the likesum to the satisfaction of the concerned Court;

(ii) The petitioner shall not directly or indirectly tamper with any of the prosecution witnesses;

(iii) The petitioner shall appear before the concerned Court regularly.

**Sd/-
JUDGE**

VMB