

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF MAY 2015

BEFORE

THE HON'BLE MR. JUSTICE K.N.PHANEENDRA

CRIMINAL PETITION NO.2632/2015

BETWEEN:

SRI A.M. NANJUNDA,
AGED ABOUT 56 YEARS,
S/O.LATE APPACHIRA MEDAPPA,
PERURU VILLAGE,
NAPOKLU HOBLI,
KODAGU DISTRICT-571 214. ... PETITIONER

(BY SRI M.T. NANAIAH, SR.ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY NAPOKLU POLICE, BANGALORE
KODAGU DISTRICT, REP. BY SPP,
HIGH COURT BUILDING
BANGALORE- 560 001. ... RESPONDENT

(BY SRI B VISHWESHWARAI AH, HCGP)

THIS CRL.P IS FILED UNDER SECTION 438
CR.P.C., PRAYING TO ENLARGE THE PETITIONER ON
BAIL IN CR. NO.129/2014 OF NAPOKLU P.S.,
KODAGU, WHICH IS REGISTERED FOR THE
OFFENCES PUNISHABLE UNDER SECTIONS 379, 427
R/W 34 OF IPC.

THIS CRL.P COMING ON FOR ORDERS THIS
DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner who apprehend arrest in connection with Crime No. 129/2014 registered for the offences punishable under Sections 427 and 379 r/w. 34 of IPC is before this Court seeking anticipatory bail.

2. The allegations made against the accordingly, in the case are that, on 17.09.2014 the accused have demolished the shed and removed the cement sheets and kadapa slabs and also iron pipes and committed theft of the said articles from the property of Ballanda Giri Somanna resident of Hodavada Village.

3. The name of this petitioner is not specifically shown in the first information. It is also stated at paragraph 6 of the petition that petitioner's name and address shown in the complaint are not connected to this petitioner. However, the Respondent – Police are making hectic attempts to make this petitioner as accused and making attempts to arrest this petitioner. Hence, this petitioner is before this court for grant of anticipatory bail.

4. The allegations made against this petitioner and other accused are inseparable and indivisible in nature. The records disclose that the First Additional District and Sessions Judge, Kodagu District at Madikere, exercising power under Section 438 of Cr.P.C. has already enlarged Accused No.1-K.N. Dulibheemaiah on certain terms.

5. Though the name of the petitioner is not shown in the FIR, but on the same allegations made against the other petitioners, this petitioner apprehend arrest at the hands of the police. In view of the decision of the Hon'ble Apex Court in the case of **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in **AIR 1980 SC 1632**, anticipatory bail can be granted even in the absence of any name in the FIR, but the petitioner apprehends arrest in connection with a non-bailable offence in connection with a particular case and makes out a case for grant of anticipatory bail.

6. In the result, I pass the following :

ORDER

The Petition filed u/s.438 Cr.PC. is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with Crime No.129/2014 for the offence punishable under Section 427 and 379 read with Section 34 of IPC, subject to the following conditions

(1) The petitioner shall appear before the investigating officer within two weeks from the date of receipt of this order and if he is required for any investigation in this case, he shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one solvent surety for the likesum to the satisfaction of the Investigating Officer.

(2) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.

(3) The petitioner shall make himself available to the Investigating Officer, if necessary

in connection with this case as and when
required.

Sd/-
JUDGE

KGR*