

IN THE HIGH COURT OF KARNATAKA BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2021

BEFORE

THE HON'BLE MR.JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.4051 OF 2021

BETWEEN:

H.Rajanna
S/o Late Huchuraiah,
Aged about 44 years,
R/at 5th Cross,
Saraswathipupram,
Tumkur – 572 105.

...Petitioner

(By Smt. Raksha Keerthana, Advocate for
Sri.Kemparaju, Advocate)

AND:

State of Karnataka
By Amruthur Police
Kunigal Circle, Kunigal,
Tumakuru District
Rep. by its Public Prosecutor,
High Court Complex,
Bengaluru – 560 001.

...Respondent

(By Sri.Vinayaka V.S., HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C. praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.49/2021 of Amruthur Police Station, Tumakuru for the offences punishable under Sections 408, 409, 468, 471 and 420 of IPC.

This Criminal Petition coming on for *Orders **Through Video Conferencing***, this day, the Court made the following:

ORDER

This petition is filed under Section 438 of Cr.P.C. to enlarge the petitioner on anticipatory bail in connection with a case registered in Crime No.49/2021 of Amruthur Police Station, for offences punishable under Sections 408, 409, 468, 471 and 420 of IPC.

2. The complaint is lodged by the Executive Officer, Taluk Panchayath, Kunigal. It is alleged that this petitioner while working as a PDO in the Nagasandra Taluk Panchayat forged the signature of the President and issued three cheques drawn on Canara Bank, Nagamangala Branch, for a sum of Rs.74,000/- Rs.75,000/- and Rs.70,103/- respectively, in the name of Sri Bhairaveshwara Electricals, Kunigal and withdrew the amount and thereby committed the aforesaid offences.

3. Learned counsel for petitioner has contended that petitioner has not committed any offence as alleged in the complaint and the entire allegations are false. She submits that cheques are not issued in the name of the petitioner and therefore he cannot withdraw the amount. It is her contention that in the

General Body Meeting, members of the Panchayat decided to purchase electrical items etc. from Sri Bhairaveshwara Electricals, Kunigal and as such cheques were issued and there is no misappropriation committed by the petitioner. She further submits that petitioner is ready and willing to abide by any conditions that may be imposed by this Court and accordingly seeks to allow the petition.

4. Learned High Court Government Pleader has contended that the petitioner has misappropriated the public money by issuing forged cheques. Now the investigation is pending and therefore in the event of grant of relief, he may not co-operate with the investigation and accordingly seeks to reject the petition.

5. It is alleged that the petitioner has withdrawn the amount by issuing forged cheques in the name of Sri Bhairaveshwara Electricals, Kunigal. According to the petitioner, the said cheques were issued as per the meeting held in the Panchayat. It is alleged that on 23.03.2021 the amount was withdrawn. Whether the petitioner has forged the signature of the President and issued the cheques in the name of

Sri Bhairaveshwara Electricals and whether any electrical items etc. were infact supplied by the said Sri Bhairaveshwara Electricals, is a matter which has to be investigated in due course. At this stage, there is no material to show that the alleged amount has been misappropriated and it was transferred in the name of the petitioner. He has undertaken to abide by the conditions and therefore, by imposing suitable conditions, relief sought by the petitioner can be granted. Hence, the following:

ORDER

Petition is ***allowed***. Petitioner is directed to appear before Investigating Officer within 15 days from today and in that event he shall be released on bail in Crime No.49/2021 of Amruthur Police Station.

- (i) Petitioner shall execute a personal bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with a surety for like sum to the satisfaction of the Investigation Officer.
- (ii) Petitioner shall furnish proof of his residential address and shall inform the Court if there is any change in the address.

- (iii) Petitioner shall not tamper with the prosecution witnesses / evidence either directly or indirectly and shall not put any threat or inducement to the victim in any manner.
- (iv) Petitioner shall be regular in attending the trial Court proceedings on all dates of hearing.
- (v) Petitioner shall make himself available for the purpose of investigation as and when required.

**Sd/-
JUDGE**

pgg