

IN THE HIGH COURT OF KARNATAKA AT BENGALURUDATED THIS THE 4TH DAY OF SEPTEMBER, 2015

BEFORE

THE HON'BLE Mr. JUSTICE L.NARAYANA SWAMY

CRIMINAL PETITION No. 3758 OF 2015**BETWEEN:**

NAGARAJ.M
S/O MUNIYAPPA
AGED ABOUT 59 YEARS
R/AT.NO.1036/G
I MAIN, 2ND CROSS
GEETHANJALI LAYOUT
HAL 3RD STAGE
BANGALORE - 75

...PETITIONER

(BY SRI.D.MOHAN KUMAR, ADV)

AND:

THE STATE OF KARNATAKA BY
KAGGALIPURA POLICE STATION
BANGALORE

REP.BY THEIR PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BANGALORE – 560 001

...RESPONDENT

(BY SRI.K NAGESHWARAPPA, 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.179/2015 OF

KAGGALIPURA P.S., RAMANAGARA, WHICH IS REGISTERED FOR THE OFFENCE P/U/S 3(1)(x) OF SC/ST (POA) ACT.

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

ORDER

A case came to be registered in Crime No.179/2015 by the Kaggalipura Police Station, for the offences punishable under Section 3(1) (X) of SC/ST (POA) Act, against this petitioner.

2. It is the case that, the complainant alleged that by referring his caste since he belongs to scheduled caste, the petitioner has insulted the complainant. Hence he made a complaint under POA Act in order to take appropriate action against the petitioner. It is averred in the complaint that on 25.05.2015 when the complainant went to Election Office in order to enquire as to why the nomination of complainant's wife has been rejected, the victim has been insulted by using filthy language by referring his caste. The petitioner also made complaint against this complainant who obstructed the petitioner to perform

his election duty and the said case was registered in crime 178/2015 for the offences punishable under Section 504, 506 353 of IPC and Sec. 136 of Representation of People Act, 1950, 1951, 1989. It is the case of the petitioner that he made an enquiry about the rejection of his wife's nomination and further requested the Election Officer to accept the nomination since that was rejected. There is case and a counter case. The case of the petitioner is that he had filed the case first. Since the nomination of complainant's wife was not considered the complainant himself obstructed the officer to perform his duty. When this nature of case has come up, it is for this Court to examine whether there is case a for grant anticipatory bail under section 438 of Cr.P.C in the light of Section 18 of POA act. Considering all the aspects and also the fact that the petitioner is a Government Official who is discharging election duty, I am inclined to grant

anticipatory bail to the petitioner by imposing proper conditions. Hence the following:

Petition is allowed. Petitioner is ordered to be released on anticipatory bail, in the event of his arrest, subject to the following conditions:

- a) Petitioner shall surrender before the I.O. of the jurisdictional police station within one month from the date of receipt of copy of this order, in which event, petitioner shall be released on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the I.O.
- b) Petitioner shall cooperate with the I.O. in conducting investigation without fail and shall appear before him as and when required.
- c) Petitioner shall not hold out threats to the prosecution witnesses or lure them in any manner.
- d) Petitioner shall not involve in any criminal activities.
- e) Petitioner shall appear before the concerned court on all hearing dates except on unavoidable circumstances.

If the petitioner violates any one of the conditions, the prosecution is at liberty to seek for cancellation of bail from the concerned Sessions Court.

Sd/-
JUDGE

HR