



**CRL.P No. 100291 of 2023
C/W CRL.P No. 100287 of 2023,
CRL.P No. 100288 of 2023,
CRL.P No. 100289 of 2023,
CRL.P No. 100290 of 2023**

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 9TH DAY OF MARCH, 2023

BEFORE

THE HON'BLE MS. JUSTICE J.M.KHAZI

CRIMINAL PETITION NO. 100291 OF 2023

C/W

CRIMINAL PETITION NO. 100287 OF 2023

CRIMINAL PETITION NO. 100288 OF 2023

CRIMINAL PETITION NO. 100289 OF 2023

CRIMINAL PETITION NO. 100290 OF 2023

IN CRL.P.NO.100291/2023

BETWEEN:

VASANTHKUMAR S/O DURGAPPA SAJJAN
AGE 60 YEARS, OCC. RETIRED S.L.A.O ,
KIADB OFFICE, AT LAKAMANAHALLI,
DHARWAD, R/O. BHAVANI NAGAR,
SARASWATHPUR, DHARWAD,
TALUK AND DIST DHARWAD – 580 002.

...PETITIONER

(BY SRI GANAPATI M. BHAT, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ITS P.S.I VIDYAGIRI PS,
DHARWAD SUB-DIVISION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD – 580 011.

...RESPONDENT

(BY SMT.GIRIJA S HIREMATH, HCGP)



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THIS CRIMINAL PETITION IS FILED U/SEC.438 OF CR.P.C. SEEKING TO ENLARGE THE PETITIONER HEREIN/ACCUSED NO.1 ON ANTICIPATORY BAIL IN VIDYAGIRI P.S. DHARWAD SUB-DIVISION CRIME NO. 0251/2022 FOR OFFENCES PUNISHABLE U/SEC. 406, 409, 420 R/W SEC. 34 OF IPC, PENDING ON THE FILE OF COURT OF 3RD ADDL. CJ AND CJM COURT, DHARWAD, HUBLI DHARWAD, IN THE EVENT OF ARREST, WITH SUCH CONDITIONS.

IN CRL.P.NO.100287/2023

BETWEEN:

HEMACHANDRA S/O BASAPPA CHINTAMANI
AGE: 63 YEARS, OCC: RETIRED CONTRACT OFFICER
AT KIADB OFFICE, AT: LAKAMANAHALLI,
DHARWAD, R/O: KALLI ONI,
SHUKRAVARPETH,
TQ & DIST: DHARWAD - 580 002.

...PETITIONER

(BY SRI GANAPATI M. BHAT, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ITS P.S.I VIDYAGIRI PS,
DHARWAD SUB-DIVISION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD - 580 011.

...RESPONDENT

(BY SMT.GIRIJA S HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC.438 OF CR.P.C. SEEKING TO ENLARGE THE PETITIONER HEREIN/ACCUSED NO.4 ON ANTICIPATORY BAIL IN VIDYAGIRI P.S. DHARWAD SUB-DIVISION CRIME NO. 0251/2022 FOR OFFENCES PUNISHABLE U/SEC. 406, 409, 420 R/W SEC. 34 OF



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IPC, PENDING ON THE FILE OF COURT OF 3RD ADDL. CJ AND CJM COURT, DHARWAD, HUBLI DHARWAD, IN THE EVENT OF ARREST, WITH SUCH CONDITIONS.

IN CRL.P.NO.100288/2023

BETWEEN:

SHANKAR S/O YAMANAPPA TALWAR,
AGE: 43 YEARS, OCC: OFFICER AT KIADB OFFICE,
AT: LAKAMANAHALLI, DHARWAD,
R/O: GANESH NILAYA, C/O: GANESH LAMANI,
5TH CROSS, SHARADA COLONY, Y. S. COLONY,
TQ & DIST: DHARWAD - 580 004.

...PETITIONER

(BY SRI GANAPATI M. BHAT, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ITS P.S.I VIDYAGIRI PS,
DHARWAD SUB-DIVISION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD - 580 011.

...RESPONDENT

(BY SMT.GIRIJA S. HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC.438 OF CR.P.C. SEEKING TO ENLARGE THE PETITIONER HEREIN/ACCUSED NO.3 ON ANTICIPATORY BAIL IN VIDYAGIRI P.S. DHARWAD SUB-DIVISION CRIME NO. 0251/2022 FOR OFFENCES PUNISHABLE U/SEC. 406, 409, 420 R/W SEC. 34 OF IPC, PENDING ON THE FILE OF COURT OF 3RD ADDL. CJ AND CJM COURT, DHARWAD, HUBLI DHARWAD, IN THE EVENT OF ARREST, WITH SUCH CONDITIONS.



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IN CRL.P.NO.100289/2023

BETWEEN:

MAHADEVAPPA S/O KUBERAPPA SHIMPI
AGE: 47 YEARS, OCC: OFFICER AT KIADB OFFICE,
AT: LAKAMANAHALLI, DHARWAD,
R/O: BENDIGERI ONI, NEAR APMC,
KALAGHATAGI, TQ: KALAGHATAGI,
DIST: DHARWAD - 581 204.

...PETITIONER

(BY SRI GANAPATI M. BHAT, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ITS P.S.I VIDYAGIRI PS,
DHARWAD SUB-DIVISION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD - 580 011.

...RESPONDENT

(BY SMT.GIRIJA S. HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC.438 OF CR.P.C. SEEKING TO ENLARGE THE PETITIONER HEREIN/ACCUSED NO.2 ON ANTICIPATORY BAIL IN VIDYAGIRI P.S. DHARWAD SUB-DIVISION CRIME NO. 0251/2022 FOR OFFENCES PUNISHABLE U/SEC. 406, 409, 420 R/W SEC. 34 OF IPC, PENDING ON THE FILE OF COURT OF 3RD ADDL. CJ AND CJM COURT, DHARWAD, HUBLI DHARWAD, IN THE EVENT OF ARREST, WITH SUCH CONDITIONS.

IN CRL.P.NO.100290/2023

BETWEEN:

1. SHIVANAGOUDA S/O VENKANAGOUDA PATIL
AGE: 69 YEARS, OCC: AGRICULTURE,
AT PRESENT R/O: GOUDAR STREET,



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HIREHONALLI VILLAGE, TQ: KALGHATAGI,
DIST: DHARWAD - 580 114.

2. BASAPPA S/O NAGAPPA SHIRUR
AGE: 67 YEARS, OCC: AGRICULTURE,
AT PRESENT R/O: DARGAD ONI,
CHIKKAMALIGEWAD VILLAGE,
TQ & DIST: DHARWAD - 580 007.
3. SMT. SEETHA @ SEETA W/O ALLANAYA @
YALLANAGOUDA PATIL
AGE: 74 YEARS, OCC: AGRICULTURE,
AT PRESENT R/O: DARGAD ONI,
CHIKKAMALIGEWAD VILLAGE,
TQ & DIST: DHARWAD - 580 007.

...PETITIONERS

(BY SRI I. Y. PATIL, ADVOCATE FOR
SRI BAHUBALI A. DANAWADE, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ITS P.S.I VIDYAGIRI PS,
DHARWAD SUB-DIVISION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
DHARWAD - 580 011.

...RESPONDENT

(BY SMT.GIRIJA S. HIREMATH, HCGP)

THIS CRIMINAL PETITION IS FILED U/SEC.438 OF
CR.P.C. SEEKING TO ENLARGE THE PETITIONER
HEREIN/ACCUSED NOS.7, 8 AND 10 RESPECTIVELY ON
ANTICIPATORY BAIL IN VIDYAGIRI P.S. DHARWAD SUB-
DIVISION CRIME NO. 0251/2022 FOR OFFENCES PUNISHABLE
U/SEC. 406, 409, 420 R/W SEC. 34 OF IPC, PENDING ON THE
FILE OF COURT OF 3RD ADDL. CJ AND CJM COURT, DHARWAD,
HUBLI DHARWAD, IN THE EVENT OF ARREST, WITH SUCH
CONDITIONS.



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THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,
THE COURT MADE THE FOLLOWING:

ORDER

These petitions are filed under Section 438 of the Code of Criminal Procedure, 1973 (for short, hereinafter referred to as 'Cr.P.C.') seeking anticipatory bail for the offences punishable under Section 406, 409, 420 read with Section 34 of Indian Penal Code (for short, hereinafter referred to as 'IPC'), contending that petitioners are innocent of the offences alleged. They have been falsely implicated, based on the report submitted by the higher officer of KIADB. Based on the said complaint, the concerned police are trying to arrest them. No *prima facie* case is made out against the petitioners. Some of the amount is recovered from the beneficiaries. Petitioners are ready to abide by any conditions that may be imposed and prays to allow the petition.

2. Learned High Court Government Pleader submitted objections to the effect that on 20.12.2022.



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Complainant who is presently working as Special Land Acquisition Officer has filed a complaint alleging that some of the owners of the land have received compensation for the second time in a total sum of Rs.19,19,55,000/-. This was done in collusion of some of the officials of the KIADB and the previous Special Land Acquisition Officer and other Sub-Ordinate Officials. This was disclosed in the preliminary report. The presence of the petitioners is required for investigation and also recovery of the compensation which is paid for the second time. The allegations against the petitioners are very serious and as such petitioners are not entitled for anticipatory bail and prays to dismiss the petitions.

3. Heard arguments and perused the records.

4. Complainant is Smt.Mamata Hosagoudar presently working as Special Land Acquisition Officer, KIADB, Dharwad. Based on the allegations that in respect of the land acquisition, compensation has been paid twice, the head office has conducted a preliminary enquiry and



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submitted report implicating accused Nos.1 to 4 being the employees of KIADB and also against the beneficiaries. Based on the said report, the complaint is filed stating that though compensation has been granted for acquisition of lands at Kelageri, Mammigatti and Kotur of Dharwad during 2011-12, 2012-13 and 2018, once again a total sum of Rs.19,99,55,000/- is paid by accused No.1 in collusion with accused Nos.2 to 4. While accused Nos.6 to 11 are the beneficiaries, accused Nos.12 to 14 are the Bank staffs involved in the said cheating. The compensation is also granted in the name of one Madarasab Halabhavi arraigned as accused No.5, during investigation it is revealed that he is deceased long back and in fact he had sold his land and the purchaser has received the compensation and his name is also used to cheat KIADB.

5. Accused No.1 is retired employee of KIADB whereas accused Nos.2 to 4 are still working with it. Accused Nos.6 to 11 are stated to be the beneficiaries in



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whose favour compensation has been granted for the second time and accused Nos.12 to 14 are the Bank employees. The allegations made in the complaint are very severe and stakes involved are very high. On account of abscondance of the petitioners, there is no progress in the investigation. Having regard to the nature of the allegations, certainly custodial interrogation of petitioner is necessary. Consequently, this Court is of the considered opinion that petitioners are not entitled for anticipatory bail and accordingly the following:

ORDER

Petitions are dismissed.

**SD/-
JUDGE**

SSP
List No.: 1 Sl No.: 14