

**IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT DHARWAD**

DATED THIS THE 9<sup>TH</sup> DAY OF JANUARY 2013

BEFORE

**THE HON'BLE MR.JUSTICE B.V.PINTO**

CRL.R.P. NO.2293/2012

BETWEEN

Karapudi Kumar S/o. K. Nagaraj,  
Aged 28 years, Occ.: Business,  
R/o. Rajeev Nagar, Tq.: Hospet,  
District Bellary.

... REVISION PETITIONER

(BY SRI.M.L.VANTI FOR SRI.V.M.SHEELVANT, ADVOCATE)

AND

The State of Karnataka,  
P.S.I., Cowlbazar Police Station,  
Reptd. by SPP, High Court of Karnataka,  
Circuit Bench, Dharwad.

... RESPONDENT

(BY SRI. V. M. BANAKAR, ADDL. S.P.P.)

This criminal revision petition is filed under section 397 read with Section 439(1)(b) of Cr.P.C. is seeking to allow the petition by relaxing bail condition No.4, imposed in Criminal miscellaneous petition No.10/2012 by District and Sessions Judge by the order dated 10.01.2012 at the time of granting anticipatory bail in Cowlbazar Police Station, Crime No.353/2011, pending on the file of II Addl. Civil Judge (Jr.Dn.) and JMFC, Bellary in the interest of justice.

This criminal revision petition coming on for orders this day, the Court made the following:

**ORDER**

This petition is filed seeking relaxation of condition No.4 imposed on the petitioner in Criminal Miscellaneous Petition No.10/2012 by the Principal Sessions Judge, Bellary. By his order dated 10.01.2012, the learned sessions Judge has granted anticipatory bail to the petitioner in P.C.No.168/2011 pending on the file of 2<sup>nd</sup> Addl. Civil Judge (Jr.Dn.) & JMFC Court, Bellary, which is registered for the offences under Sections 406, 470, 420, 426, 427, 468, 469 and 471 read with Section 34 of IPC.

2. The learned counsel appearing for the petitioner submits that due to non availability of the surety and also since there are some other cases pending on him, the petitioner could not comply with the condition imposed by the Sessions Court and that the petitioner would now appear before the Court.

3. Subsequently, it is disclosed that the matter had been referred to the Cowlbazar Police Station, Bellary for investigation under Section 156(3) of Cr.P.C. and the Police have registered the case in Crime No.353/2011 on 12.12.2011.

4. The condition No.4 in CrI.M.P.No.10/2012 reads as follows:

“4) The petitioner shall move regular bail application before the jurisdictional Magistrate within 30 days from the date of this order and shall seek for regular bail. The jurisdictional Magistrate will be at liberty to consider the application to be filed by the petitioner on merits without being influenced by this order.”

5. I have heard Sri.M.L.Vanti for Sri.V.M.Sheelvant, learned counsel appearing for the petitioner and also Shri.V.M.Banakar, learned Additional State Public Prosecutor appearing for the respondent-State.

6. The learned counsel appearing for the petitioner submits that there are 25 case pending against the petitioner

and apprehending that he would be remanded to custody and since he could not secure the surety in all the other cases, there was a delay in complying with the condition No.4 as imposed by the learned Sessions Judge, Bellary.

7. It is also further submitted by him that the petitioner had approached the learned Sessions Judge in CrI.M.P.No.363/2012 seeking relaxation of condition No.4, but the learned Sessions Judge has declined to delete condition No.4, by his order dated 31.05.2012.

8. Shri.V.M.Banakar, learned Additional State Public Prosecutor strenuously opposes the application on the ground that more than one year passed from the date of order and the petitioner has grossly disobeyed the order of the Court by not surrendering before the jurisdictional Magistrate. Hence, he submits that condition may not be relaxed.

9. However, having regard to the nature of offences and also the fact that there are many cases pending against him, in my opinion, one more chance may be given to the

petitioner to comply with the Condition No.4 imposed by order dated 10.01.2012. Hence, the following order is passed:

**ORDER**

Time to surrender before the jurisdictional Magistrate and to secure regular bail is extended by another 21 days from the date of receipt of copy of this order and all other conditions in the said order dated 10.01.2012 shall remain intact.

**SD/-  
JUDGE**

Vnp\*