

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 28TH DAY OF JUNE, 2022

BEFORE

THE HON'BLE MRS.JUSTICE M.G. UMA

CRIMINAL PETITION NO.200647/2022

Between:

Shaila N.K. W/o Vinaygowda,
Aged about 39 years,
R/o Byregowda Compound,
Pete Chamanahalli Extension,
Kolar Town, Kolar Taluk and
District-563101.

... Petitioner

(By Sri Parameswarappa C., Advocate)

And:

State of Karnataka by
Bheemarayanagudi Police Station,
Yadgiri-585287, Represented by the S.P.P,
High Court of Karnataka
Kalaburagi-585103.

... Respondent

(By Sri Gururaj V.Hasilkar, HCGP)

This Criminal Petition is filed under Section 438 of Cr.P.C., praying to allow this petition and thereby grant anticipatory bail directing the respondent police to release her on bail in the event of her arrest in connection with Crime No.55/2021 of Bheemarayanagudi Police Station pending on the file of the Court of the Civil Judge & JMFC (Sr.Dn.) Shahapur for the offences punishable under Sections 204,

409 and 420 read with Section 34 of the Indian Penal Code 1860.

This petition coming on for Orders this day, the Court passed the following:

ORDER

The petitioner-accused No.4 is before this Court seeking grant of anticipatory bail in Crime No.55/2021 of Bheemarayanagudi Police Station, pending on the file of learned Civil Judge (Senior Division) and JMFC, Shahapur, for the offences punishable under Sections 204, 409, 420 r/w Section 34 of Indian Penal Code (for short 'IPC'), on the basis of first information lodged by the informant-Ishwarappa.

2. Heard Sri Parameswarappa C., learned counsel for the petitioner and Sri Gururaj V. Hasilkar, learned High Court Government Pleader for the respondent-State. Perused the materials on record.

3. Learned counsel for the petitioner submitted that the petitioner is arrayed as accused No.4. She is innocent and law abiding citizen. She has not committed

any offence as alleged. She has been falsely implicated in the matter while filing the charge sheet. Initially, FIR came to be registered only against accused Nos.1 to 3 for the offences punishable under Sections 204, 381, 409, 420 r/w Section 34 of IPC. During the course of investigation, the petitioner herself had assisted the Investigating Officer by providing whatever the documents which were in her possession. She was absent from duty as she was on maternity leave and was medically unfit to attend her duty. However, after investigation, charge sheet came to be filed arraying the petitioner as accused No.4. The petitioner is not required for further investigation. She is ready and willing to co-operate for investigation, if any. The petitioner is the permanent resident of the address mentioned in the cause title to the petition and she is ready and willing to abide by any of the conditions that would be imposed by this Court. Hence, he prays to allow the petition, in the interest of justice.

4. *Per contra*, learned High Court Government Pleader opposing the petition submitted that serious allegations are made against accused Nos.1 to 4. Even while filing the first information, name of the petitioner is specifically mentioned. The petitioner remained unauthorizedly absent from 2015 to 2019. Accused No.1 being the Head Master concocted several documents at the instance of the present petitioner and credited huge amount to her account as well as to his account. Accused Nos.2 and 3 were deputed to verify the records, as they were working as Block Education Officers. They also colluding with accused Nos.1 and 4, have destroyed the service records. The petitioner is absconding since the date of registration of the case. If the petitioner is granted anticipatory bail, she may never turn up before the Investigating Officer and she may abscond or may threaten or tamper the prosecution witnesses. Looking to the seriousness of the offences, the petitioner is required for custodial interrogation. Therefore, the petitioner is not

entitled for grant of anticipatory bail. Hence, he prays for dismissal of the petition.

5. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioner is entitled for grant of bail under Section 438 of Cr.P.C.?"

My answer to the above point is in 'Negative' for the following:

REASONS

6. Serious allegations are made against the petitioner for having committed the offences. Initially, FIR was registered against accused Nos.1 to 3. However, the name of present petitioner finds place in the FIR filed by the informant who is none other than Block Education Officer. Admittedly, the petitioner was working as Teacher where accused No.1 was working as Head Master. It is not in dispute that the petitioner remained unauthorizedly

absent for a long period i.e., from 2015 to 2019. It is the specific contention of prosecution that accused No.1 in order to make wrongful gain to himself and accused No.4, concocted documents and credited huge sums of money to the account of accused No.4 as well as credited some amount to his account. It is stated that on the basis of such concocted documents, an amount of Rs.9.19 lakhs was withdrawn through HRMS. Out of which, Rs.2.12 lakhs was credited to the account of accused No.1 whereas Rs.7.06 lakhs was credited to the account of the present petitioner. Even thereafter, some amounts were misappropriated by accused Nos.1 and 4. In the meantime, accused Nos.2 and 3 being the Block Education Officers were appointed to verify the records and to submit report. Instead of doing their duties, it is alleged that accused Nos.2 and 3 have destroyed the evidence by burning service records and other documents. Therefore, allegations against accused Nos.1 to 4 are of serious nature. Detailed investigation is required to be undertaken

subjecting the petitioner for interrogation. Therefore, it is not a fit case for grant of anticipatory bail.

7. Accordingly, I answer the above point in the negative and proceed to pass the following:

ORDER

The petition is ***dismissed.***

**Sd/-
JUDGE**

NB*