

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF JUNE 2015

BEFORE

THE HON'BLE MR. JUSTICE K.N.PHANEENDRA

CRIMINAL PETITION No. 200530/2015

BETWEEN

KHANDERAYA PATIL,
S/O KAMALA REDDEPPA,
AGE: 34 YEARS,
OCC: EMPLOYEE AS MEETING CENTER
MANAGER AT L & T FINANCE CO. LTD.
BRANCH AT MANVI AND NATIVE:
GUNDAGURTHY VILLAGE,
TQ. DEVADURGA
DIST.RAICHUR.

... PETITIONER

(BY SRI. SHESHADRI JAISHANKAR. M, ADVOCATE)

AND

THE STATE OF KARNATAKA
THROUGH MANVI POLICE STATION
REP. BY ADDL. STATE PUBLIC PROSECUTOR,
KALABURAGI BENCH.

(BY SRI. PRAKASH YELI, HCGP)

... RESPONDENT

THIS CRL.P. FILED U/S.439 OF CR.P.C BY THE ADVOCATE
FOR THE PETITIONER PRAYING TO ENLARGE THE PETITIONER
ON BAIL IN CRIME No.59/2015 OF MANVI POLICE STATION

REGISTERED FOR THE OFFENCES P/U/SECS 409. 420 OF IPC,
WHICH IS PENDING BEFORE THE JMFC MANVI,

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

ORDER

The petitioner is before this Court for the second time. The Manvi Police have registered a case in Crime No.59/2015 against the petitioner for the offences punishable under Sections 409 and 420 of IPC

2. At the initial stages, the petitioner has approached this Court for grant of anticipatory bail in Criminal Petition No. 200349/2015, which was dismissed on 15.04.2015. It appears subsequently he was arrested and after investigation by the police, he was remanded to judicial custody on his production before the Court.

3. The allegations in brief are that, a person by name R. Vijaya Reddy Patil, Territory Manager of L & T

Finance Co. Ltd., Raichur, had submitted a first information report alleging that the petitioner, who was working as a Manager of the said company, created fictitious document showing that during the period from 30.06.2014 to 31.01.2015 granted loan to 234 khatedars to the tune of Rs.42,87,000/- though no such loans are granted in favour of any person and he misappropriated the said amount for his wrongful gain in order to cause wrongful loss to the company.

4. On the said allegations, the police have registered a case against the petitioner. In fact, the police have arrested the accused and produced before the Magistrate and that itself shows that he is personally not required for any further investigation. The apprehension of the learned HCGP is that if the petitioner is released on bail, he may tamper the prosecution witnesses or

hamper the investigation. His apprehension can be protected by imposing stringent conditions on the petitioner by this Court and if those conditions are violated by the petitioner, the prosecution is at liberty to move the Court for cancellations of the bail. Moreover, the offences under Sections 409 and 420 of IPC are not punishable with death or imprisonment for life and the accused has already surrendered himself before the police for investigation. Therefore, an opportunity should be given to him to assist the police in future also and to attend the Court regularly.

5. For the above said reasons, I am of the opinion that the petition deserves to be allowed.

6. In the result, I pass the following:—

ORDER

The petition filed under Section 439 of Cr.P.C., is allowed. Consequently, the petitioner shall be released on bail in connection with Crime No. 59/2015 of Manvi Police Station, registered for the offences punishable under Sections 409, 420 of IPC, on the following conditions:

- i) The petitioner shall execute a personal bond for a sum of ₹2,00,000/- (Rupees Two Lakhs Only) with two solvent sureties for the like-sum to the satisfaction of the jurisdictional Magistrate.
- ii) The petitioner shall not indulge in hampering the investigation or tampering the prosecution witnesses.
- iii) The petitioner shall make himself available to the investigating officer as

and when required for the purpose of investigation, interrogation etc., if any.

**Sd/-
JUDGE**

KGR*