

**IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT DHARWAD  
DATED THIS THE 31<sup>st</sup> DAY OF JANUARY, 2011**

**BEFORE**

**THE HON'BLE MR. JUSTICE ANAND BYRAREDDY**

**CRIMINAL PETITION NO. 10051/2011**

BETWEEN:

Shri Muttappa  
S/o. Parashuram Halani  
Age: 26 years, Occ: Service  
R/o. Morab village, Taluk: Raibag  
Belgaum District

**...PETITIONER**

(By Sri. D. B. Karigar, Adv.)

AND:

The State of Karnataka  
Through Khade Bazar Police  
By its S P P

**...RESPONDENT**

(By Sri. Anand Kumar Navalгимath, HCGP)

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This Criminal Petition is filed under Section 438 of Cr.P.C seeking to grant anticipatory bail to the petitioner in the event of arrest in the Khade Bazar P.S.Crime No.185/2010 for the offences p/u/s 498(A) (B) (C) of IPC.

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

**ORDER**

Heard the learned Counsel for the petitioner and the learned Government Pleader.

2. The brief facts are as follows:

The Police Sub-Inspector (Law and Order), Khade Bazar Police Station, Belgaum had filed a complaint against six accused persons, alleging that on 07.12.2010 at about 9.00 pm, when he was in the police station, he had received information from one Ishwar Rao, Manager of shoe shop in Ramlingkhind Galli, Belgaum, to the effect that two persons were trying to pass off counterfeit currency notes. On the basis of the information, the complainant has rushed to the said shoe shop in Nucleus Mal and the said Ishwar Rao had pointed out the two persons who were still in his shop and trying to make purchase of chappals and who had parted with fake notes,

which were found by the complainant to be apparently counterfeit notes, as it did not contain the security thread. The accused had been detained on the pretext that there was no change available to complete the transaction. The said persons were, therefore taken into custody and on the basis of their information, other accused were also arrested. The petitioner's name having been published in the news papers as being wanted in connection with the said crime, the petitioner approached the Court below seeking anticipatory bail. The same having been rejected, the petitioner is before this Court.

3. The learned Government Pleader has now filed statement of objections to reiterate the sequence of events, where two persons were taken into custody in the first instance and thereafter, on the personal search of the accused in the presence of the panchas, the police have found 70 fake currency notes of Rs.100/- denomination and found some fake currency notes in the possession of

other accused Jeevappa Miraje along with some original notes. These were seized and on the information provided by them, other accused have been taken into custody. There are several incriminating materials against the present petitioner. Though in the first instance the name of the petitioner does not appear in any of the statements recorded, it is on further inquiries and information provided by the accused, that the petitioner has been named and since the petitioner has remained at large, it has not been possible for the police to collect further information from him and therefore, he would seriously oppose the anticipatory bail petition, that is now filed.

4. As there are materials seized from the accused which squarely indicated that they were engaged in circulation of counterfeit notes and it is stated by the prosecution that it is on the basis of the information furnished by the accused that the name of the petitioner is made available and therefore, the police have taken

recourse to publish his name in the news papers, granting bail to the petitioner at this point of time may seriously hamper the investigation and enable the petitioner to evade the long arm of the law. Hence, in order to bring home the allegations against the accused and to prevent any further commission of offence by any of the other members who may be acting in unison with the accused including the petitioner, it is appropriate that the petitioner's anticipatory bail petition be rejected. It is for the petitioner to make a clean breast of his alleged bonafides before the police and to assist in the investigation. Hence the question of granting anticipatory bail does not arise.

The petition is rejected.

gab/-

Sd/-  
**JUDGE**