

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31<sup>ST</sup> DAY OF DECEMBER 2013

BEFORE

THE HON'BLE MR. JUSTICE A.V.CHANDRASHEKARA

CRIMINAL PETITION No.7735/2013

BETWEEN:

1. NARASIMHA  
S/O.JUNJIAH  
AGED ABOUT 28 YEARS
2. K.NAGARAJA  
S/O.KODI HANUMANTHAPPA  
AGED ABOUT 35 YEARS
3. LOKESH  
S/O.RAJANNA  
AGED ABOUT 37 YEARS
4. SRINIVASA  
S/O.MANJUNATHA  
AGED ABOUT 29 YEARS
5. KIRAN  
S/O.THIPPESWAMY  
AGED ABOUT 25 YEARS

ALL ARE R/AT  
BIDDRAKERE VILLAGE  
HIRIYUR TALUK  
CHITRADURGA DISTRICT  
PIN CODE – 577 545.

...PETITIONERS

(By SRI B.BOPANNA, ADV. FOR  
M/S.BPDS ASSTS., ADVS.)

AND:

STATE BY ABBINAHOLE POLICE  
HIRIYUR TALUK  
CHITRADURGA DISTRICT  
PIN CODE – 577 456  
REPTD. BY THE PUBLIC PROSECUTOR  
HIGH COURT BUILDING  
BANGALORE.

...RESPONDENT

(BY SRI D.ASWATHAPPA, AGA)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF THE CODE OF CRIMINAL PROCEDURE, 1973, PRAYING TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.156/13 OF ABBINAHOLE P.S., CHITRADURGA, FOR THE OFFENCES P/U/S.21(1), 4, 4(A) MMRD ACT R/W/S.379 OF IPC.

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

### O R D E R

Petitioners are accused in Crime No.156/13 on the file of Abbinahole Police Station, Chitradurga District for the offence punishable under Sections 21(1), 4, 4(A) of MMRD Act r/w. Section 379 of IPC. They are apprehending arrest at the hands of respondent – Police. They had approached the learned Sessions Judge, Chitradurga seeking bail under Section 438

Cr.P.C. and the same has been rejected by a considered order dated 4.12.2013.

2. A report was made by the jurisdictional village Accountant of Ambalagere village to his higher authority i.e., the Revenue Inspector, Dharmapura Hobli alleging that the petitioners are involved in excavation and transportation of sand illegally from Vedavathi river. It is further alleged that they had illegally stored the excavated sand in their respective lands at Bidrakere village of Hiriyr Taluk. They have undertaken to obey any condition which may be imposed on them.

3. Learned Government Advocate has opposed the same on the ground that these petitioners are involved in illegal excavation and transportation of sand and thereby they are menace to the society. .

4. Anyhow, the matter is exclusively triable by the learned JMFC. The apprehension of the State would be considered by imposing suitable conditions. Hence, the following order.

ORDER

The petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail on furnishing personal bond in a sum of Rs.25,000/- (Rupees twenty five thousand only) each with one surety for the like sum to the satisfaction of the Investigating Officer.

The petitioners shall not involve themselves in any criminal activities inclusive of excavating and transporting sand illegally from any place.

The petitioners shall give attendance to the jurisdictional Police Station once in a week on every Sunday between 9.00 a.m. and 5.00 p.m. for a period of three months without fail.

Sd/-  
JUDGE

nas.