

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MAY 2015

BEFORE

THE HON'BLE MR. JUSTICE P.S.DINESH KUMAR

CRIMINAL PETITION No.2990 OF 2015

BETWEEN:

SUMANTH
S/O GOOLI GOWDA
AGED ABOUT 31 YEARS
R/O KOTTANAHALLI VILLAGE
KOPPA HOBLI
MADDUR TALUK
MANDYA DISTRICT 571 428.

...PETITIONER

(BY MS.ARCHANA MURTHY, ADV.,)

AND:

STATE BY NAGAMANGALA POLICE
REPRESENTED BY S.P.P.,
HIGH COURT,
BANGALORE 560 001.

...RESPONDENT

(BY SRI.K. NAGESHWARAPPA, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL, IN THE EVENT OF ARREST, IN CR.NO.244/2014 OF NAGAMANGALA RURAL P.S., MANDYA DIST., FOR OFFENCES P/U/S 353, 307, 427 & 439 OF IPC AND U/S. 3, 42, 44 KMMC ACT 1994 R/W SEC. 4(1A)-21 (1 TO 5 OF MMDR ACT 1957.

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

ORDER

The petitioner along with five others have been accused of offences punishable under section 353, 307, 427 & 439 OF IPC and U/S. 3, 42, 44 KMMC ACT R/W SEC. 4(1A)-21 (1 TO 5) OF MMDR ACT 1957, in Cr.No.244/2014 of Nagamangala Police Station. The other five accused have been granted bail by this court. Hence, the petitioner has filed this petition for anticipatory bail.

2. Heard Ms.Archana Murthy, learned counsel for the petitioner and Sri. Nageshwarappa, learned HCGP and perused the records.

3. Learned counsel for the petitioner submits that the respondent police have foisted false case of mining and transportation of sand. She submits that the petitioner is innocent and no way connected with the alleged offences. The investigation is now complete and charge sheet has already been filed. Therefore, the petitioner is not required for any custodial interrogation. She further submits that Similarly placed accused persons 1 to 4 and 6 namely Madhu, Lokesh, Yogesh, Prakash and Venkatagiri, have

already been released on bail by this Court in Crl.P Nos.37/2015, 6081/2014, 6171/2014 and 1679/2015 on 30.01.2015, 30.01.2015, 29.10.2014, 31.10.2014 and 6.04.2015. Accordingly, the petitioner prays for grant of bail on the ground of parity.

4. Per contra, learned HCGP opposes the petition contending that smuggling of sand is a serious offence and affects natural resources.

5. On perusal of records reveals that the investigation is complete and charge sheet has been filed. Further five out of six accused have been granted bail by this Court in aforementioned petitions. The petitioner undertakes before this Court to obey any conditions which may be imposed. In the circumstances, I am of the opinion that by imposing proper conditions petitioner may be enlarged on bail. Hence the following

ORDER

- (i) Petitioner in Crime No.244/2014 on the file of Nagamangala Police Station shall be released on bail upon his

executing a personal bond for a sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the Investing Officer.

- (ii) Petitioner shall fully co-operate with the investigating Officer and appear before him as and when called upon.
- (iii) Petitioner shall not directly or indirectly make any inducement, threat or promise to prosecution witness or any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court.
- (iv) Petitioner shall not manipulate or hold out threats to the prosecution witnesses in any manner.
- (v) Petitioner shall not involve himself in any criminal activities.
- (vi) Petitioner shall attend the trial Court regularly on all the dates of hearing.

Sd/-
JUDGE

HR