

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF DECEMBER, 2016

BEFORE

**THE HON'BLE MR.JUSTICE K.SOMASHEKAR**

CRIMINAL PETITION No.9725/2016

**BETWEEN:**

Shantharaju @ Shantha,  
S/o Muthuraj @ Madeva,  
Aged about 35 years,  
R/o Vaddaradoddi Village,  
Kollegal Taluk,  
Chamarajanagar District – 571 440.

...Petitioner

(By Sri. Manjunath N.D., Advocate)

**AND:**

The State of Karnataka,  
Through Ramapura Police Station,  
Chamarajanagara District.  
Represented by S.P.P.,  
High Court, Bengaluru – 01.

...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 his arrest in Cr.No.110/2016 of Ramapura P.S., Chamarajanagar for the offence P/U/S 379 of IPC.

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

**ORDER**

This petition is filed under Section 438 of Cr.P.C seeking anticipatory bail in Crime No.110/2016 of Ramapura Police Station, Chamarajanagar for alleged offence punishable under Section 379 of IPC, besides Sections 4(1A), 21 of M.M.R.D. (Mines and Minerals Regulation of Development) Act, 1957 .

2. Heard learned counsel for petitioner as well as learned HCGP for respondent.

3. Counsel for petitioner during the course of arguments has contended that the accused is an innocent person and he has not at all committed the alleged offence with the other accused in the alleged crime of transportation of sand by tractor bearing registration No.KA-10-T-7427 and trailer bearing

registration No.KA-10-T-1629. However, the co accused have already been granted bail in Criminal Petition No.8636/2016 dated 16.12.2016 by this Court by imposing certain conditions stipulated therein. The respondent-police are making hectic efforts to arrest this accused without there being any reason. Therefore, the counsel for petitioner is praying for extension of parity and the accused is ready to abide by any conditions and praying for bail.

4. Per contra, learned HCGP submits that there are prima facie material against the accused in participating with other accused in the commission of offence. Since from committing the alleged offence the accused is absconding and that itself would indicate that there are prima facie material against the accused and he is not deserving for bail and seeks for rejection of the bail petition.

5. Having regard to the contentions urged by the learned counsel for the petitioner as well as the learned HCGP and the fact that the co accused have already been granted bail by this Court by imposing certain conditions stipulated therein. Therefore, I am of the considered opinion that the accused deserves bail. Counsel for the petitioner has also produced a copy of CrI.P.No.8636/2016 dated 16.12.2016 for perusal. Accordingly, I proceed to pass the following:

**ORDER**

Petition is hereby allowed subject to following conditions:

- (i) Petitioner-accused shall appear before the Investigating officer in Crime No.110/2016 of Ramapura Police Station, Chamarajanagar District, within twenty days from the date of receipt of a copy of this order, by executing bond for a sum of ₹50,000/- with one surety for

the likesum to the satisfaction of him in the event of his arrest.

- (ii) Petitioner-accused shall co-operate with the Investigating Officer during the course of investigation, if necessary.
- (iii) Petitioner-accused shall not tamper or hamper the case of the prosecution witnesses.
- (iv) Petitioner-accused shall mark his attendance once in fortnight as per the English monthly calendar between 10 a.m. to 5 p.m. for a period of three months before the concerned SHO.
- (v) The petitioner-accused shall not involve in any criminal activities henceforth.

**Sd/-  
JUDGE**

ykl