

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL 2020

BEFORE

THE HON'BLE MRS. JUSTICE K.S.MUDAGAL

CRIMINAL PETITION No.2197/2020

BETWEEN:

SHRI MALLAYYA
S/O SHIVAMURTAYYA MADDANI MATH
AGED ABOUT 44 YEARS
OCC: ACCOUNT SUPERINTENDENT
KARNATAKA URBAN WATER
SUPPLY AND DRAINAGE BOARD
R/AT VIJAYAPUR
DISTRICT VIJAYAPUR 586 101 ...PETITIONER

(BY SRI AYYAPPA MALLANNA NAGRAL, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH POLICE INSPECTOR
ANTI CORRUPTION BUREAU, VIJAYAPUR,
REP. BY ITS STATE PUBLIC PROSECUTOR
ADVOCATE GENERAL'S OFFICE
HIGH COURT BUILDING
KALABURAGI ...RESPONDENT

(BY SRI JEEVAN J.NEERALGI, SPECIAL PP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME NO.5/2020 OF ANTI CORRUPTION BUREAU VIJAYAPUR REGISTERED FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 7(a), (b), (c) OF THE PREVENTION OF CORRUPTION ACT, 1988.

THIS CRIMINAL PETITION COMING ON FOR ORDERS THIS DAY, THE COURT **THROUGH VIDEO CONFERENCE** MADE THE FOLLOWING:

ORDER

Sri Jeevan J.Neeralgi, learned Special Public Prosecutor accepts notice for the respondent.

2. Heard. Petitioner is accused No.1 in Crime No.5/2020 of Anti Corruption Bureau police station, Vijayapura registered for the offences punishable under Sections 7(a), (b) and (c) of the Prevention of Corruption Act, 1988.

3. It is alleged that the petitioner and accused No.2 being Accounts Superintendent and Assistant Executive Engineer respectively in Karnataka Urban Water Supply and Drainage Board, Vijayapur to clear the pending bills of the complainant a contractor demanded illegal gratification. It is alleged that in a trap both the accused were apprehended while receiving the illegal gratification and that was recovered from them.

4. Incriminating material is already recovered. The maximum punishment prescribed for the offence is imprisonment upto seven years. Petitioner is in judicial custody since 12.03.2020. This Court in Criminal

Petition No.2183/2020 has granted bail to accused No.2 on 28.04.2020. Principle of parity applies to the petitioner. Therefore, it is a fit case to grant bail to the petitioner. The petition is allowed.

The petitioner is granted bail in Crime No.5/2020 of Anti Corruption Bureau Police Station, Vijayapur subject to the following conditions:

- (i) Petitioner shall execute personal bond in a sum of Rs.50,000/-(Rupees Fifty Thousand only) and furnish two sureties each in the like sum to the satisfaction of the trial Court.
- (ii) Petitioner shall appear before the Court as and when required for the trial.
- (iii) Petitioner shall not tamper the prosecution witnesses in any manner.

Registry shall communicate this order to the jurisdictional Court.

**Sd/-
JUDGE**

KSR