

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2021

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO.3557 OF 2021

BETWEEN:

MANJU BHOVI
S/O LATE SANNATHIMMANNA BHOVI
AGED 45 YEARS
OCC: AGRICULTURE
R/O VOKKALIGERE BHOVIHATI
YAGATI HOBLI, KADUR TALUK
CHIKKAMAGALUR DISTRICT ... PETITIONER

(BY SRI. SHETTY DEEPAK, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU
BY MINES AND GEOLOGY DEPARTMENT
CHIKKAMAGALUR DISTRICT
2. THE STATE OF KARNATAKA
REP BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU
BY YAGATI POLICE AUTHORITIES ... RESPONDENTS

(BY SRI. ROHITH B.J., 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 C.C.NO.505/2020 (PCR NO.111/2020) OF 1ST ADDL. CIVIL JUDGE AND JMFC KADUR FOR THE OFFENCE P/U/S 4 (1), 4 (1A), 9, 23 (C) (1) (E) AND

24 (1) (E) R/W 21 OF MINES AND MINERALS DEVELOPMENT AND REGULATION ACT AND ETC.

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

ORDER

1. Sri.Rohit.B.J, learned HCJP accepts notice for the respondent.
2. The petitioner is before this Court seeking for enlargement on anticipatory bail in the event of his arrest by respondent No.2 in C.C.No.505/2020 [PCR No.111/2020] registered for offences under Sections 4(1), 4(1A), 9, 23(C)(1)(e) and 24(1)(e) r/w 21 of the Karnataka Mines and Minerals (Development and Regulation) Act, 1957 pending on the file of the I Addl. Civil Judge and JMFC Court, Kadur.
3. The petitioner had earlier approached the Prl. District and Sessions Judge, Chikkamagalaur who had granted anticipatory bail to the petitioner and one other vide its order dated 23.12.2020 in CrI.A. No.698/2020. One of the conditions imposed was that the petitioner should surrender before the

concerned Court within ten days from the date of order failing which the order would automatically stand cancelled. The petitioner herein who is the second petitioner therein was unable to comply with the said order though the first petitioner in the said proceedings complied with the same. The petitioner since was suffering from certain health complications and having been hospitalized had filed application in the said Crl.Misc. No.698/2020 seeking for extension of time, however the same came to be rejected on 8.2.2021. Hence, the petitioner is before this Court seeking for exercise of concurrent jurisdiction of this Court under Section 438 of Cr.P.C.

4. Sri.Deepak Shetty, learned counsel for the petitioner submits that if not for the health complications of the petitioner, the petitioner would have complied with the conditions imposed, the petitioner is still ready and willing to comply with the same and the petitioner would do so on any day fixed by this Court.

5. Sri.Rohit.B.J, learned HCGP has fairly submitted that if the petitioner were to comply with the said conditions, he would have no objection for reasonable extension of time.
6. Heard Sri.Deepak Shetty, learned counsel for the petitioner and Sri.Rohit.B.J, learned HCGP for the respondents. Perused papers.
7. Taking into consideration the submissions made and also taking into consideration the fact that the petitioner is said to have been hospitalized thereby preventing the petitioner from complying with condition No.1 of the order dated 23.12.2020 in Crl.Misc. No.698/2020, the period of such compliance is extended until 3.5.2021, the petitioner shall comply with condition No.1 of the said order dated 23.12.2020 on or before 03.05.2021.
8. Since the above order has been passed in the presence of the counsel for the petitioner and the respondent, neither of them will wait for the certified copy of the order for compliance.

9. Learned HCGP is requested to inform the concerned about the present order so as to enable the compliance.
10. With the above observation, the petition is disposed of.

Sd/-
JUDGE

In