

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 30TH DAY OF JUNE 2022

BEFORE

THE HON'BLE MR.JUSTICE K. NATARAJAN

CRIMINAL PETITION NO.101744/2022

BETWEEN

G ATHIF S/O G HUSSAIN SAB,
AGE.48 YEARS,
OCC.VILLAGE ACCOUNTANT,
R/O.DEVALAPUR VIILAGE,
KAMPLI TALUK
DIST-BALLARI-583201

.....PETITIONER

(BY SRI B ANWAR BASHA, ADV.)

AND

THE STATE OF KARNATAKA
(THROUGH POLICE INSPECTOR ACB
P.S.BALLARI)
REP BY ITS SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
AT DHARWAD-580001

.....RESPONDENT

(BY SRI ANIL KALE, SPL. P.P.)

THIS CRIMINAL PETITION IS FILED U/SEC. 439 OF CR.P.C.,
SEEKING TO ALLOW THIS PETITION AND ENLARGE THE
PETITIONER/ACCUSED NO. 1 ON REGULAR BAIL IN CRIME NO. 04/2022
REGISTERED BY ACB POLICE STATION, BALLARI, FOR THE OFFENCES
PUNISHABLE UNDER SECTION 7(a) OF PREVENTION OF CORRUPTION
ACT 1988 PENDING BEFORE IIIRD ADDL DIST AND SESSIONS JUDGE
AND SPECIAL JUDGE (PC ACT) BALLARI SITTING AT HOSAPETE.

THIS PETITION COMING ON FOR ORDERS THROUGH PHYSICAL HEARING/VIDEO CONFERENCING HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This criminal petition is filed by the accused under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.', for short) for granting bail in respect of Crime No.4/2022 registered by ACB Police for the offence punishable under Section 7(a) of Prevention of Corruption Act, 1988.

2. Heard the arguments of the learned counsel for petitioner and learned Special Public Prosecutor for respondent.

3. The case of the prosecution is that one K. Giridhar filed a complaint to the ACB Police on 30.05.2022 alleging that there was land belonging to his father-in-law and it was gifted by his father-in-law to his wife belonging. Subsequently he came to know that his application for transfer of khata has been rejected as the family tree is not furnished. Thereafter, on the instance of tahasildar, he approached this petitioner who is a village accountant. Again on 07.01.2022 he demanded for bribe of Rs.15,000/- for change of khata. Thereafter, the petitioner was agreed to accept only

Rs.5,000/- but the complainant was not willing to pay the same and lodged a complaint to the ACB police. Accordingly, a trap was set up on 30.05.2022. The complainant paid the bribe money of Rs.5,000/- and the petitioner received the money in his hands. At that time, the police trapped him. On chemical examination, his hands turned into pink color for accepting tainted notes. The police taken the petitioner to custody. A trap panchanama was drawn. Thereafter, the petitioner was produced before the Court and remanded to judicial custody. The bail petition filed by the petitioner came to be rejected by the Sessions Court. Hence, he is before this Court.

4. Learned counsel for petitioner contended that petitioner is innocent of the alleged offences. It is contended that in fact the Tahasildar had instructed the complainant to go to this petitioner and he was trapped. The investigation is completed. The petitioner is in custody for one month. He is a Government servant and he will not tamper any prosecution witnesses. He is ready to abide by any conditions imposed by this Court. Hence, he prayed for grant of bail.

5. *Per contra*, learned Special Public Prosecutor for respondent seriously objected the bail petition and contended that he has accepted tainted notes. If the petitioner is released on bail, definitely he will tamper the prosecution witnesses. Hence, she prayed for dismissal of the bail petition.

6. Having heard the arguments of the learned counsel for petitioner and learned Special Public Prosecutor for respondent for respondent, perused the records.

7. The complaint reveals that for change of khata, the petitioner being a village accountant demanded for Rs.15,000/-. Thereafter the petitioner agreed for Rs.5,000/-. It is alleged that the police trapped the accused without he accepting tainted money. It is further alleged that on the instance of Tahasildar the complainant approached the petitioner. Except FIR, no other material is placed on record to substantiate the same. The investigation is still under preliminary stage. At this stage, if the petitioner is enlarged on bail, the possibility of destroying documentary evidence on record is not ruled out. Therefore,

looking into the facts and circumstances of the case, the petitioner is not entitled for bail until completion of investigation.

8. Accordingly, the petition is dismissed.

**Sd/-
JUDGE**

Naa