

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2022

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.3817 OF 2022

BETWEEN:

G.PRAKASH,
S/O LATE GURUVEGOWDA,
AGED ABOUT 51 YEARS,
RESIDING AT NO.173, 2ND MAIN,
3RD PHASE, VIJAYANAGAR,
MYSORE – 570 017.

...PETITIONER

[BY SRI.HARISH KUMAR M.R., ADVOCATE]

AND:

STATE OF KARNATAKA,
BY SESHADRIPURAM POLICE STATION,
BANGALORE CITY – 560 020.
REPRESENTED BY S.P.P.,
HIGH COURT OF KARNATAKA,
BANGALORE – 560 001.

...RESPONDENT

[BY SRI.R.D.RENUKARADHYA, HCGP]

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C. PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.24/2022 OF SESHADRIPURAM P.S, BENGALURU CITY FOR THE OFFENCE P/U/S 409, 465, 468, 471, 472, 420, 120-B, 420 READ WITH SECTION 34 OF IPC, PENDING BEFORE THE HONBLE IV ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU.

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

ORDER

Learned High Court Government Pleader takes notice for the respondent – State.

2. This petition is filed under Section 439 of Cr.P.C to enlarge the petitioner on bail in Crime No.24/2022 of Sheshadripuram Police Station, registered for the offences punishable under Sections 409, 465, 468, 471, 472 and 420 of IPC. Subsequent to registration of the case, Section 120(B) r/w Section 34 of IPC has been invoked.

3. Heard the learned counsel for petitioner and the learned High Court Government Pleader for respondent – State and perused the material on record.

4. Complaint is lodged by the Police Inspector, Vigilance and STF, BDA Head Office, Kumara Park West, Bengaluru. It is alleged that, Site No.1003 situated at I Stage, 5th Block, HBR Lay-out, Bengaluru measuring 1200 Sq.ft which was under the ownership of the Bengaluru Development Authority (for short

hereinafter referred to as 'BDA'), has been transferred through lease-cum-sale deed in the name of one Smt.Shanthakumari (Accused No.1), though there was no such deed executed by the BDA in her name. Further, the said lease-cum-sale deed was created and fabricated by the accused persons, on the basis of which the sale deed was registered on 23.06.2016, resulting in BDA suffering loss to the tune of Rs.73,86,000/-.

6. The name of the petitioner is not forthcoming in the F.I.R. During the course of investigation, the petitioner was arraigned as accused No.7. He was arrested on 07.03.2022.

7. Learned counsel for the petitioner has furnished the copies of the bail orders passed in respect of accused Nos.1 to 5 and another by name Smt.Veena H.S, against whom notice under Section 41(A) of Cr.P.C had been issued to participate in the enquiry.

8. The complicity of the petitioner in the alleged offence has to be established in the due course. The accused named in the F.I.R have been enlarged on bail. The petitioner has undertaken to abide by conditions and to regularly appear before

the Trial Court. The offences alleged are not punishable with death or imprisonment for life. The usual apprehension of the prosecution can be safeguarded by imposing necessary conditions.

9. In the facts and circumstances of case and considering that the other accused are already granted bail, the relief sought by the petitioner can be granted.

10. Accordingly, the petition is **allowed**. The petitioner shall be enlarged on bail in Crime No.24/2022 of Sheshadripuram Police Station, now pending on the file of IV ACMM, Bengaluru subject to the following conditions.

(i) The petitioner shall execute a personal bond in a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for the likesum to the satisfaction of the jurisdictional Court.

(ii) The petitioner shall appear before the Investigation Officer whenever required and to co-operate with the investigation of the case.

(iii) The petitioner shall furnish his address proof and inform the Investigation Officer if there is any change in the address.

(iv) The petitioner shall not directly or indirectly tamper the prosecution witnesses.

(v) The petitioner shall be regular in attending the Court proceedings.

**SD/-
JUDGE**

GH