



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2023

BEFORE

THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

CRIMINAL PETITION NO. 3659 OF 2023

BETWEEN:

AKIL. L,
S/O. LAKSHMINARAYANA
AGED ABOUT 25 YEARS
R/AT. KALKUNTE AGRAHARA
KALKUNTE
ANUGONDANAHALLI HOBLI
HOSAKOTE TALUK
BENGALURU RURAL DISTRICT
PIN: 560 067.

...PETITIONER

(BY SRI. VENKATESHA, ADVOCATE)

AND:

THE STATE OF KARNATAKA BY
ANUGONDANAHALLI
POLICE STATION
BENGALURU DISTRICT.

REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT COMPLEX
BENGALURU-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI, HCGP)

THIS CRL.P IS FILED U/S.438 CR.P.C TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CR.NO.41/2023 REGISTERED BY ANUGONDANAHALLI POLICE STATION, FOR THE OFFENCE ,P/U/S 407,420 R/W SEC 34 OF IPC, PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE (SR.DIV) AND CJM COURT, HOSAKOTE, BENGALURU RURAL DISTRICT.

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MALA K N
Location: HIGH
COURT OF
KARNATAKA



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

ORDER

The petitioner is the accused No.1 in Crime No.41/2023 registered by the Anugondanahalli Police Station, Bengaluru, for the offences punishable under Sections 407 and 420 read with Section 34 of IPC, is before this Court seeking bail under Section 438 of Cr.P.C.

2. Heard Sri.Venkatesh, learned Counsel for the petitioner and the learned HCGP for the respondent/State and perused the records.

3. It is the contention of the learned counsel for the petitioner that the name of the petitioner is not mentioned in the FIR. The allegation of misuse of Rs.33,83,437/- was over the period of 3 - 4 months. The petitioner is only a driver of Bolero vehicle for transporting goods to a given destination. In the warehouse, there are responsible people engaged in scrutiny of supply and quantum of stock to be delivered. The petitioner cannot be made accounted



for the third party for carrying the goods, he is ready to obey the conditions that would be imposed by this Court and is ready to assist for the investigation.

4. The learned HCGP has vehemently opposed the bail application on the ground that the petitioner has joined hands with the staff of the warehouse in illegally transporting the household grocery articles worth of Rs.33,83,437/- and his custodial interrogation is required to effect the recovery of the said property and he cannot be granted bail.

5. On perusal of the FIR, the name of the petitioner is not forthcoming. He is only proposed as accused No.1 being the driver of Bolero vehicle bearing No.KA-53/AA-7646. The name of the petitioner though mentioned in the complaint, his role requires to be investigated by the Investigating Officer. There are multiple roles involved in the allegation of misappropriation of grocery articles from the warehouse. One cannot remove grocery worth Rs.34 lakhs over night and it could only be ascertained in the



investigation. The petitioner has come forward to assist for the investigation and has undertaken to obey any condition that may be imposed on him by this Court. The apprehension of the prosecution could be suitably met out by imposing proper conditions. In the facts and circumstances of the case, I do not find any reason to refuse exercise of discretion in favour of the petitioner. Hence, the petition deserves to be allowed. In the result, the following;

ORDER

(i) The Petition is allowed.

(ii) The petitioner is ordered to be released on bail in the event of his arrest in respect to Crime No.41/2023 registered by the Anugondanahalli Police Station, Bengaluru, for the offences punishable under Sections 407 and 420 read with Section 34 of IPC, on his execution of a personal bond for a sum of Rs.1,00,000/- with one like bond to the satisfaction of the concerned Investigating Officer;



(iii) The petitioner shall appear before the Investigating Officer within ten days from the date of receipt of a certified copy of this order;

(iv) The petitioner shall co-operate with the Investigating Officer to complete the investigation and he shall appear before the Investigating Officer, as and when called for;

(v) The petitioner shall not indulge in tampering the prosecution witnesses either directly or indirectly.

**Sd/-
JUDGE**

KNM
List No.: 1 Sl No.: 30