
Chandrashekara Naik K.V Vs State Of Karnataka By Banavara Police Station

Criminal Petition No. 13647 Of 2024

Court: Karnataka High Court At Bengaluru

Date of Decision: Dec. 30, 2024

Acts Referred:

Bharatiya Nagarika Suraksha Sanhita, 2023 " Section 482#Indian Penal Code, 1860 " Section 409

Hon'ble Judges: Anant Ramanath Hegde, J

Bench: Single Bench

Advocate: Balakrishna M.R, Vinay Mahadevaiah

Final Decision: Allowed

Judgement

Anant Ramanath Hegde, J

1. Heard the learned advocate appearing for the petitioner as well as the respondent.

2. The petition is filed under section 482 of B.N.S.S., 2023. The complaint is lodged for the alleged offence under Section 409 of Indian Penal Code,

1860 and the same is registered in Crime No.119/2024 before the Banavara Police Station, District Hassan, Arasikere Circle. A petition is filed

seeking anticipatory bail before the Sessions Judge at Hassan, the said petition in CrI.Misc.No.1212/2024 is dismissed vide order dated 09.12.2024.

3. It is alleged in the complaint that when the alleged incident took place, he was working as a post master at Bendigere post office. It is alleged that

the petitioner has withdrawn a sum of Rs.1,87,500/- from savings account of 5 persons and the complaint would reveal that all those five persons were

dead by the time the amount was withdrawn. It is alleged that the petitioner himself has withdrawn the said amount. Based on these facts, the

aforementioned complaint is filed.

4. Apprehending arrest, the petitioner filed a petition seeking anticipatory bail, same was rejected as noticed above.

5. The learned counsel appearing for the petitioner would contend that the alleged incident took place between 2017 and 2022 and complaint is lodged

on 14.11.2024. It is his further submission that department enquiry is also being held and the petitioner is forced to deposit entire amount of

Rs.1,87,500/-. It is his contention that the custodial interrogation is not required in a case like this where the alleged incident is borne out from the

records. It is also his contention that all the records are available in the post office, as such, there is no reason for the prosecution to oppose the

petition seeking anticipatory bail.

6. The learned High Court Government Pleader would oppose the petition on the premise that in case the petition is allowed and bail is granted to the

petitioner, petitioner is likely to destroy the evidence and will interfere in the fair and smooth investigation.

7. This court has considered the contentions raised at the bar and perused the records.

8. Admittedly, the complaint would reveal that some amount is withdrawn from account of five persons who opened savings bank account in the post

office. The allegation is that all the five persons were dead when the amount was withdrawn. If that is the case, the alleged offence is borne out from

the records. This court is of the view that to investigate such an offence, the detention and custody of the accused is not required. By imposing

necessary conditions, the accused can be enlarged on bail.

Hence, the following:

ORDER

(i) The petition is allowed.

(ii) The respondent - State / Police officer shall release the petitioner on bail on petitioner furnishing bail bond for a sum of Rs.1,00,000/- (Rupees One

Lakh Only) along with surety for the likesum.

(iii) The bail bond shall be offered before the jurisdictional police within 15 days from today.

(iv) The petitioner shall appear before the police as and when required and shall cooperate in the investigation.

(v) The petitioner shall not destroy any evidence and shall not interfere in the process of investigation.