

P.G. Nataraj Vs State Of Karnataka

Court: Karnataka High Court At Bengaluru

Date of Decision: Jan. 22, 2025

Acts Referred: Code Of Criminal Procedure, 1973 " Section 438
Indian Penal Code, 1860 " Section 34, 406, 420, 447, 506

Hon'ble Judges: H.P. Sandesh, J

Bench: Single Bench

Advocate: Sumathi Paulin M, K.Nageshwarappa

Final Decision: Allowed

Judgement

H.P. Sandesh, J

1. This petition is filed under Section 438 of Cr.P.C. praying this Court to enlarge the petitioner on bail in the event of his arrest in respect of

C.C.No.3065/2024 (Crime No.210/2021) registered by the Bagalur Police Station, Bengaluru, for the offences punishable under Sections 406, 420,

447, 506 read with Section 34 of IPC.

2. Heard the learned counsel for the petitioner and the learned High Court Government Pleader appearing for the respondent-State.

3. This petitioner has been arrayed as accused No.1 for the offences punishable under Sections 406, 420, 447, 506 read with 34 of IPC. The allegation

made against this petitioner is that this petitioner and other accused persons had indulged in the above offences. The police have investigated the

matter and filed the charge sheet and the petitioner sought anticipatory bail and the same was rejected and a direction was given to appear before the

learned Magistrate within ten days and move necessary application, otherwise it may become very difficult for the learned Magistrate to secure the

presence of the accused.

4. The learned counsel for the petitioner would submit that an allegation is made against this petitioner that he had sold the property to the complainant

along with C.W.9 and also he is a signatory to the document of sale agreement. The learned counsel contend that this petitioner during the course of

investigation assisted the Investigating Officer and not absconded and now in view of rejection of anticipatory bail, there are chances of apprehending

him and sending him to custody. The learned counsel contend that the petitioner is aged about 80 years and he is ready to obey the conditions that may

be imposed by this Court.

5. Per contra, the learned High Court Government Pleader appearing for the respondent-State would submit that after the registration of the FIR, the

Investigating Officer investigated the matter and filed the charge sheet and the petitioner also assisted in conducting the investigation.

6. Having heard the respective learned counsel and also taking note of the allegations made in the charge sheet column against this petitioner, it is an

allegation in respect of Sy.No.35/2 to an extent of 19 acres 10 guntas of land was sold by this petitioner and C.W.9 and when the sale agreement was

executed in favour of C.W.1 Smt. Rathnamma, accused No.2 had signed the agreement and so also this petitioner signed as an witness in respect of

agreement as well as GPA. When such allegation is made that he had sold the property and witness to the agreement and when the petitioner is ready

to obey the conditions that may be imposed and having taken note of the gravity of the offence and allegations, it is appropriate to enlarge the

petitioner on anticipatory bail in the event of his arrest by exercising the discretion in favour of the petitioner.

7. In view of the discussions made above, I pass the following:

ORDER

The petition is allowed. Consequently, the petitioner shall be released on bail in the event of his arrest in connection with C.C.No.3065/2024 (Crime

No.210/2021) registered by the Bagalur Police Station, Bengaluru, for the offences punishable under Sections 406, 420, 447, 506 read with Section 34

of IPC, subject to the following conditions:

(i) The petitioner shall surrender himself before the Investigating Officer within ten days from the date of receipt of a certified copy of this order and

shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with one surety for the like-sum to the satisfaction of the

concerned Investigating Officer.

(ii) The petitioner shall not indulge in tampering the prosecution witnesses.

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission till the disposal of the case.