

IN THE COURT OF PRL. DISTRICT & SESSIONS JUDGE, MANDYA

Dated this the 29th day of October, 2022

PRESENT

Smt. Nagajyothi K.A. B.A.(Law), LL.M.
Addl. District & Sessions Judge-FTSC-II, Mandya.
I/c of Prl. District & Sessions Judge, Mandya.

Crl.Misc.No.984/2022

Petitioner: K.S. Dayananda,
S/o K.V. Sharathkumar,
Aged about 49 years,
R/at Kadukothanahalli,
C.A. Kere Hobli,
Maddur Taluk, Mandya.

(By Sri. C.S.R., Adv.)

-Vs-

Respondent: State: By K.M. Doddi Police

(By learned P.P.)

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ORDER

This petition is u/s.438 of Cr.P.C, praying to grant anticipatory bail in Cr.No.326/2017 (C.C.No.2331/2018) registered by the respondent-Police for the offences punishable u/s.504, 323, 353 of IPC.

2. It is averred in the petition that the petitioner has not committed the alleged offence. He is respectable person in the society and hails from agricultural family. Presently, he is working as Kadukothahalli Gram Panchayath President. He has no bad antecedent. There is no prima-facie material against the petitioner to prove the alleged offence. Except the offence u/s.353 of IPC, other offences are bailable and not punishable with

life imprisonment. At the initial stage, he has obtained anticipatory bail in CrI.Misc.No.19/2018 on 09.01.2018 and executed bond before the police station. But owing to family dispute and depression, he has not attended the Court. He undertakes to abide by conditions that may be imposed and ready to offer surety to the satisfaction of this Court on his release on bail. Hence, this petitioner prays for granting anticipatory bail to him.

3. The learned Public Prosecutor filed objection and stated that the petitioner has committed the alleged offence which are non-bailable. The charge sheet establishes prima-facie case against him. In the event of anticipatory bail granted to him, there may be chances of tampering of prosecution witnesses and bail conditions. No genuine grounds have been mentioned in the bail petition to grant anticipatory bail in favour of petitioner. Hence, prays for dismissal of the petition.

4. Heard. Perused the records.

5. Following point do arise for my consideration:

“Whether the petitioner has made out grounds to grant anticipatory bail to him?”

6. My finding on the aforesaid point is in the **affirmative** for the following:

REASONS

7. The petitioner is alleged u/s.504, 323 and 353 of IPC in Cr.No. 326/2017 and after filing charge sheet, C.C.No.2331/2018 is registered. While arguing the case, the learned Public Prosecutor stresses on non-appearance of petitioner before the Court and warrant issued against him. It is crucial to note that it is a matter of December 2017. The petitioner has contended that at the earlier stage he has already obtained anticipatory bail

in Crl.Misc.No.19/2018 dated 09.01.2018 and executed bond before the police station. But after filing of charge sheet, he has not appeared before the trial Court. Hence, warrant is pending against him. It is also contended that because of family dispute, he was on depression and as such, he was not able to present before the Court.

8. Further, while arguing the matter, the learned counsel for petitioner stresses on the fact that the petitioner questioned the complainant in respect of execution of PWD work in the interest of public and it is not personal matter. As rightly argued by the learned counsel, the alleged offences are triable before the Magistrate Court. However, though the learned counsel argued on family dispute and depression of petitioner, no supporting document has been produced. Appreciating the allegations made against the petitioner, it is just and proper to grant anticipatory bail. Accordingly, I hold the above point in the **affirmative**, and proceed to pass the following:

ORDER

Petition filed by the petitioner u/s.438 of Cr.P.C. is allowed **with costs of Rs.2,000/-**.

The petitioner is ordered to be released on bail in the event of his arrest in Cr.No.326/2017 (C.C.No.2331/2018) registered by the respondent-Police, on executing his personal bond in a sum of **Rs.2,00,000/-** along with **one surety** for the like sum to the satisfaction of jurisdictional trial court on the following conditions:

1. Petitioner shall pay the costs of Rs.2,000/- before the trial Court.
2. He shall appear before the jurisdictional trial Court within 10 days from the date of this order and shall execute his bail bond and surety bond.

3. He shall present before the Court on every hearing date.
4. He shall not tamper the prosecution evidence.
5. He shall not involve in the similar such offence.
6. He shall not leave the jurisdiction of the Court without prior permission till disposal of the case.

If the petitioner violates any one of the conditions, the prosecution is at liberty to seek cancellation of bail.

(Dictated to the Judgment Writer, transcript corrected by me and then pronounced in the open Court on this the 29th day of October, 2022)

(Nagajyothi K.A.)

Addl. Dist. & Sessions Judge-FTSC-II,
I/c of Prl. Dist. & Sessions Judge,
Mandya.