

IN THE COURT OF PRINCIPAL SESSIONS JUDGE,
BENGALURU RURAL DISTRICT, BENGALURU.

Dated this the 8th day of May 2017.

PRESENT:

Shri P. Krishna Bhat, B.Sc., LL.B.
Principal Sessions Judge,
Bengaluru Rural District,
Bengaluru.

Criminal Miscellaneous Petition No.682/2017

Petitioner : Shivakumar
S/o late Chinnappa,
Aged about 37 years,
Residing at No.46,
Kodathi village,
Carmelaram Post,
Varthur Hobli,
Bengaluru East Taluk,
Bengaluru District.

Represented by
Shri Y. Vasu, Advocate.

Vs.

Respondent : State of Karnataka by
Varthur Police.

Represented by Public Prosecutor.

ORDER

This is an anticipatory bail petition filed under
Section 438 of Cr.P.C., in Crime No.105/2017 of
Varthur Police Station.

2. Brief facts are as follows: -

One Narasimharaju G.C., is the complainant. It is stated that the complainant is working as Panchayat Development Officer in Kodathi Grama Panchayat. On 24.04.2017 at about 2.05 p.m., while the complainant was discharging his duties in Kodathi Grama Panchayat, the accused/petitioner who is a Grama Panchayat member, quarrelled with him with regard to preparation of bills and abused him in vulgar language and assaulted him by hands on his cheeks and obstructed him from discharging his duties.

3. It is urged in the anticipatory bail petition that the petitioner is innocent and he has not committed any offence. It is stated that the complainant had sought for some bribe to pass pending bills and when the petitioner questioned the same, the complainant shouted at him and started quarrelling with him. It is further stated that the petitioner hails from a respectable family and he has a permanent place of residence.

4. Opposing grant of anticipatory bail, State has filed detailed statement of objections. It is stated therein that there are reasonable grounds to believe

that the accused/petitioner has committed offences punishable under Sections 353, 323 and 504 of Indian Penal Code and he is absconding and therefore, he is not entitled to be granted anticipatory bail.

5. I have heard the learned counsel appearing for the petitioner and the learned Public Prosecutor for the State. I have perused the case file.

6. After hearing, the point that arises for my consideration in the disposal of this anticipatory bail petition is:

Whether the petitioner is entitled to be granted anticipatory bail in exercise of my power under Section 438 of Cr.P.C.?

7. My answer to the above point is in the affirmative.

REASONS

8. The complainant is working as Panchayat Development Officer in Kodathi Grama Panchayat. On 24.04.2017 at about 2.05 p.m., while the complainant was discharging his duties in the Grama Panchayat, the accused had quarrelled with him regarding preparation of bills and abused him in vulgar language

and slapped him and prevented him from discharging his duties.

9. The offences alleged are under Sections 353, 323, and 504 of Indian Penal Code. They are all triable by a Court of J.M.F.C. The only apprehension of the prosecution is that if anticipatory bail is granted to the petitioner, he is likely to abscond and threaten the witnesses. The same can be prevented by imposing suitable conditions.

10. Taking into consideration the facts and circumstances of the case, I am of the view that the petitioner can be granted anticipatory bail subject to certain conditions. Hence, I pass the following: -

ORDER

The petition is allowed.

The petitioner is directed to be enlarged on bail in the event of his arrest in Crime No.105/2017 of Varthur Police Station, on his executing a personal bond in a sum of Rs.50,000/- with a solvent surety for the like sum, subject to the following conditions: -

- 1) He shall surrender before the Station House Officer of Varthur Police Station within 7 days from today.
- 2) He shall co-operate with the investigating officer in the investigation of this case.
- 3) He shall not threaten or tamper with prosecution witnesses.
- 4) He shall mark his attendance before the investigating officer on the last Sunday of every month between 10 a.m., and 5 p.m., till charge sheet in the case is filed.

(Dictated to the Judgment Writer, transcribed by him, after corrections pronounced by me in Open Court on this the 8th day of May 2017)

(P. Krishna Bhat)
Principal Sessions Judge,
Bengaluru Rural District,
Bengaluru.