IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO.200467 OF 2025

(438(Cr.PC)/482(BNSS))

BETWEEN:

SHIVARAJ KODGE
S/O GURUNATH KODGE,
AGE: 27 YEARS,
OCC: AGRICULTURE AND PRIVATE SERVICE,
R/O H.NO.48, VILLAGE CHIMKOD,
TQ. AND DIST. BIDAR-585401.

...PETITIONER

(BY SRI MANURE ASHOK KUMAR, ADVOCATE)

AND:

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

THE STATE OF KARNATAKA,
THROUGH NEW TOWN POLICE STATION, BIDAR,
REP. BY GOVERNMENT PLEADER, HIGH COURT,
KALABURAGI-585301.

...RESPONDENT

(BY SRI JAMADAR SHAHABUDDIN, HCGP)

THIS CRL. P. IS FILED U/S 438 OF CR.P.C. (OLD) U/S 482 OF BNSS, 2023 PRAYING TO RELEASE THE ACCUSED/PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.205/2023, OFFENCE PUNISHABLE U/SEC. 406

AND 420 OF IPC NEW TOWN POLICE STATION, BIDAR PENDING BEFORE THE SECOND ADDL. SENIOR CIVIL JUDGE AND JMFC COURT AT BIDAR.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH)

This petition is filed by the accused/petitioner seeking to release him on bail in the event of his arrest in Crime No.205/2023 of New Town Police Station, Bidar for the offences punishable under Sections 406 and 420 of IPC, pending before the II Additional Senior Civil Judge and JMFC Court, Bidar.

2. The factual matrix of the case are as under:

On 05.12.2023, the complainant lodged a complaint stating that he was working as a Branch Manager at Bharath Financial Insurance Limited. It is alleged that the petitioner herein was working as an employee in his

institution and stated to have misappropriated a fund of Rs.7,73,917/-. Hence, this case.

3. Heard Sri Manure Ashok Kumar, learned counsel for the petitioner and Sri Jamadar Shahabuddin, learned High Court Government Pleader for the respondent/State.

4. It is the submission of the learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He has not committed any offences. As there was a difference of opinion between the complainant and the petitioner, a false case has been registered in order to trouble him in one or the other pretext. Therefore, he may be enlarged on bail by imposing suitable conditions. Making such submissions, he prays to dismiss the petition.

5. *Per contra*, learned High Court Government Pleader opposed in granting the anticipatory bail and prays to reject the petition.

6. Having considered the averments of the complaint, it appears that the petitioner was stated to be working as an employee of the financial institution. He is stated to have misappropriated the amount as stated supra. Be that as it may, the alleged offences are neither punishable with death nor imprisonment for life. Therefore, it is appropriate to grant him bail without adverting to the merits of the case. If the suitable conditions are imposed, the apprehension of the prosecution would be met.

7. Hence, I proceed to pass the following:

ORDER

The petition is ***allowed***.

The respondent/Police is directed to release the petitioner in the event of his arrest in Crime No.205/2023, registered by the New Town Police Station, Bidar for the offences punishable under Sections 406 and 420 of IPC, pending before the II Additional Senior Civil Judge and JMFC Court, Bidar subject to the following conditions:

(i) The petitioner shall appear before the Investigating Officer within a period of 20 days from today and execute a personal bond for a sum of Rs.1,00,000/- with one surety for the likesum.

(ii) The petitioner shall co-operate with the investigation as and when required.

(iii) The petitioner shall not tamper the prosecution witnesses and shall not hamper the prosecution case.

(iv) The petitioner shall appear before the Trial Court on all hearing dates without fail.

Sd/-
(S RACHAIAH)
JUDGE

RSP
List No.: 1 Sl No.: 27
CT:PK