IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 15TH DAY OF MAY, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO.200763 OF 2025

(439(Cr.PC)/483(BNSS))

BETWEEN:

PANDIT KHEDGI S/O HULEPPA KHEDGIKAR,
AGE: 38 YEARS, OCC: FDA HOME DEPARTMENT
BANGALORE,
R/O SHIVUR, TQ. AFZALPUR,
DIST. KALABURAGI-585 301.

...PETITIONER

(BY SRI. ASHOK B. MULAGE, ADVOCATE)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA,
THROUGH POLICE, ASHOK NAGAR POLICE STATION,
KALABURAGI-585 101,
REPT. BY ADDL. SPP, HIGH COURT OF KARNATAKA,
KALABURAGI BENCH-585 107.

...RESPONDENT

(BY SRI. JAMADAR SHAHABUDDIN, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.P.C (OLD), 483 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND ENLARGE THE PETITIONER/ACCUSED NO.20 ON BAIL IN CRIME NO.160/2023 OF ASHOK NAGAR P.S. KALABURAGI FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 409, 420, 120B, 109, 114 AND 201 READ WITH SECTIONS 36, 37 AND 34 OF IPC AND UNDER SECTIONS 3(1)(ii)(2)(3)(4) OF KCOCA-2000, PENDING ON THE FILE OF PRL. SESSIONS JUDGE, AT KALABURAGI IN SPECIAL CASE (KCOCA) NO.1/2024.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

This petition is filed by the petitioner – accused No.20 under Section 483 of BNSS-2023 for grant of regular bail in Crime No.160/2023 of Ashok Nagar Police Station, at Kalaburagi, now pending on the file of Prl. District and Sessions Judge, (Special Court), Kalaburagi in

Special Case (KCOCA) No.1/2024 for the offences punishable under Sections 409, 420, 120(B), 109, 114 and 201 read with Sections 34, 36 and 37 of IPC and under Sections 3 (1) (ii) (2) (3) (4) of KCOCA Act-2000.

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

03. The case of the prosecution is that on the complaint of one Smt. Shilpa, Assistant Lecturer in Sharanabasava University filed a complaint on 28.10.2023 alleging that when she was posted in a room No.38 during FDA recruitment examination, the Deputy Director of Karnataka Education Authority (for short 'KEA') apprehended the accused No.1 – Trimurti, where he was holding Bluetooth and writing the examination with the help of his brother - Ambrish - accused No.2 who gave the answers through Bluetooth message from outside. The police apprehended the accused Nos.1 and 2 and it was revealed that the accused No.3 - R.D. Patil involved in the recruitment scam who was provided the Bluetooth to the

accused Nos.1 and 2. The allegation against this petitioner is that at the request of the accused No.3, this petitioner prepared the answers to the question papers and sent to the accused No.3 and the accused No.3 given the answers to the accused No.2 and in turn the accused No.2 given answer to the accused No.1 who wrote the examination in Room No.38 of Sharanabasava Examination Center. Accordingly, he has approached the learned Sessions Judge for granting regular bail, which came to be rejected. Hence, the petitioner is before this Court.

04. The learned counsel for the petitioner has contended that this petitioner is innocent of the alleged offences. He is working as a first division assistant in home department, Bangalore. He is regularly attending his duty and continuously working there and he is not involved in the offences. His name has been falsely implicated in this case and KCOCA is not applicable to this petitioner. Hence, prayed for allowing the petition.

05. Per contra the learned High Court Government Pleader has seriously objected the petition.

06. Having heard the arguments and perused the records, which reveals that admittedly the accused No.1 was caught red-handed and accused No.2 gave answer from outside, which were helped by the accused No.3 – R. D. Patil and the allegation against this petitioner is that he has prepared the answers and given to the accused No.3 - R. D. Patil.

07. The Coordinate Bench of this Court has granted bail to the accused No.19 who stands the similar footing of this petitioner. It is the specific allegations against both the accused No.19 and 20 that they both forwarded the key-answers to other accused persons.

08. In such circumstances, as rightly contended by the learned counsel for the petitioner, this petitioner also comes for the similar relief on the ground of parity.

09. In that view of the matter, without expressing any opinion on the merits of the case, if the regular bail is granted to the petitioner by imposing certain stringent conditions, no prejudice would be caused to the prosecution case. Accordingly, I proceed to pass the following;

O R D E R

The petition filed under Section 483 of BNSS-2023, is allowed.

Consequently, the petitioner/accused No.20 shall be released on bail in connection with Crime No.160/2023 registered by Ashok Nagar Police Station, at Kalaburagi, now pending on the file of Prl. District and Sessions Judge, (Special Court), Kalaburagi in Special Case (KCOCA) No.1/2024 for the offences punishable under Sections 409, 420, 120(B), 109, 114 and 201 read with Sections 34, 36 and 37 of IPC and under Sections 3 (1) (ii) (2) (3) (4) of KCOCA Act-2000, on the following conditions:

(i) Petitioner- accused No.20 shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for the likesum to the satisfaction of the trial Court;

(ii) Petitioner shall not indulge in similar offences strictly;

(iii) Petitioner shall not tamper with the prosecution witnesses directly/ indirectly;

(iv) Petitioner shall not leave the jurisdiction without prior permission of Trial court**.**

(v) Petitioner shall not contact with accused No.3 – Sri. R.D.Patil for any purposes.

(vi) Petitioner shall take the trial without causing any delay.

(vii) Petitioner shall appear before the I.O. when called for the purpose of any further investigation.

If any of the bail conditions is violated, the prosecution is at liberty to file an application for cancellation of bail.

Sd/-
(RAJESH RAI K)
JUDGE

KJJ
List No.: 1 Sl No.: 10
CT: AK