

**Sharnappa Sajjan Vs. The State through, Basavakalyan Police Station**

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**Court :** Karnataka Kalaburagi

**Decided On :** Aug-21-2015

**Judge :** A.V. CHANDRASHEKARA

**Appeal No. :** Criminal Petition No. 200739 of 2015

**Appellant :** Sharnappa Sajjan

**Respondent :** The State through, Basavakalyan Police Station

**Judgement :**

(Prayer: This Criminal Petition is filed under Section 439 of Cr.P.C. praying to release the accused/petitioner on bail in Crime No.239/2014 of Basava Kalyana town P.S. Dist: Bidar, which is registered for the offences p/u/Sec.7, 8, 12, 13(2), 13(1), 13(d) of Prevention of Corruption Act, in the interest of justice.)

1. Heard the learned counsel for the petitioner and the learned Additional SPP for the respondent.
2. The petitioner is accused No.1 in Crime No.239/2014, registered by Basava Kalyana Town police station. The offences alleged against this petitioner are punishable under Sections 7, 8, 12, 13(2), 13(1), 13(D) of the Prevention of Corruption Act.
3. The petitioner is a suspended Judicial Officer, in the cadre of Civil Judge. He was working as Senior Civil Judge at Basavakalyan of Bidar district. The allegation against this petitioner is that he demanded bribe from a person by name Sri.Kirthiraj K. Poste, practicing advocate in Bidar, to pay a sum of Rs.5,00,000/- as bribe, to do official favour to his father in respect of three civil appeals pending before him.
4. Complaint was filed by Sri.Kirthiraj K. Poste, before the Principal District Judge at Bidar as also before the Registrar Vigilance of the High Court. On the basis of the complaint, a trap was held by the vigilance sell and he was allegedly caught while receiving a sum of Rs.1,00,000/- as bribe.
5. The trap panchanama was drawn by the vigilance sell and the statements of witnesses were recorded. Steps have been taken to initiate departmental enquiry against this petitioner for the alleged misconduct. At the same time, the learned Principal District Judge, Bidar has chosen to file a reoirt before the Superintendent of Police, requesting him to take suitable action against the petitioner by registering a case. Accordingly, a letter had been addressed on 27.12.2014, by the Principal District and Sessions Judge, Bidar to the Superintendent of Police, who in turn forwarded the same to Basavakalyan Police Station. On the basis of the same, above case has been registered against the petitioner. The petitioner is in judicial custody since 24.07.2015.
6. The learned counsel for the petitioner Sri.Avinash Uploankar has submitted that major portion of the investigation is already over and that the petitioner undertakes to obey any conditions which may be imposed on him and he would co-operate with the I.O. in conducting further investigation.

7. Per contra, the learned Additional SPP Sri.Prakash Yeli submits that this is not a fit case to exercise the discretion vested in this Court under Section 439 of Cr.P.C., in the light of serious allegation being made against this petitioner who is a Judicial Officer. Hence, he requests this Court to dismiss the bail application.

8. Investigating Officer is present before the Court in person. He has submitted that entire investigation has been completed and he has to collect the voice sample of this petitioner with the permission of the concerned Court, to subject the same for test. Sri.Avinash A. Uploankar submits that the petitioner would be ready for any test and co-operate with I.O. in conducting further investigation.

9. The petitioner is in judicial custody for the past one month and has co-operated with the I.O. in conducting further investigation. The offences alleged against the petitioner are neither punishable with death nor imprisonment for life. The trap panchanama has already been drawn. Thus, the apprehension of the learned Additional SPP could be suitably met with by imposing certain conditions.

10. Accordingly, the petition is allowed and bail is granted to the petitioner, subject to the following conditions:

a) Petitioner shall be released on bail on executing a personal bond in a sum of Rs.1,00,000/- with one surety, for the likesum to the satisfaction of the concerned Court.

b) Petitioner shall not hold out threats to the prosecution witnesses or lure them in any manner.

c) Petitioner shall not involve himself in any criminal activities.

d) Petitioner shall attend the respondent - Police Station once in a month on every second Sunday between 9.00 a.m. to 5.00 p.m., without fail, till the case registered against him is disposed off.

e) Petitioner shall co-operate with the I.O. in conducting further investigation and shall make his voice sample available with the I.O. before the concerned Court for subjecting the same for test.

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