

Laxmiputra vs the State of Karnataka

Laxmiputra vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1637629

Court : Karnataka Kalaburagi

Decided On : Apr-29-2025

Judge : S Rachaiah

Appeal No. : CRL.P/200618/2025

Appellant : Laxmiputra

Respondent : The State of Karnataka

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 29TH DAY OF APRIL, 2025 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL PETITION NO.200618 OF 2025 (439(Cr.PC)/483(BNSS)) BETWEEN: LAXMIPUTRA S/O SHIVSHARAN TALWAR, AGE:24 YEARS, OCC: STUDENT, R/O. SONNA VILLAGE, TQ.AFZALPUR, DIST.KALABURAGI-585201. PETITIONER (BY SRI RAJESH DODDAMANI, ADVOCATE) AND: THE STATE OF KARNATAKA,

Digitally signed ASHOK NAGAR POLICE STATION, KALABURAGI, by P

RESPONDENT (BY SRI GOPAL KRISHNA YADAV, HCGP) THIS CRL.P. IS FILED U/S. 483 OF BNSS,2023 PRAYING TO ALLOW THIS

PETITION AND RELEASE THE PETITIONER/ ACCUSED NO.17 AS PER CHARGE SHEET ON BAIL IN CONNECTION WITH CRIME NO. 160/2023 OF ASHOK NAGAR POLICE STATION, KALABURAGI REGISTERED FOR THE OFFENCES PUNISHABLE U/SEC. 409, 420, 120(b), 201, 109, 114, 36, 37, 34 OF INDIAN PENAL CODE AND U/S 3(1), (ii)(2), (3)(4) OF KCOCA ACT, PENDING ON THE FILE OF THE HON'BLE -2-

PRINCIPAL DISTRICT AND SESSIONS JUDGE, KALABURAGI IN SPL. C (KCOCA) NO.1/2024. THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.04.2025, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING: CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CAV ORDER

(PER: HON'BLE MR. JUSTICE S RACHAIAH) This petition is filed by accused No.17 seeking to

release him on bail in Crime No.160/2023 of Ashok Nagar Police Station, Kalaburagi registered for the offences punishable under Sections 409, 420, 120(b), 201, 109, 114, 36, 37, 34 of IPC and Sections 3(1)(ii)(2), (3)(4) of the KCOCA Act, pending on the file of the Principal District and Sessions Judge, Kalaburagi in Special Case (KCOCA) No.1/2024.

2. It is the case of the prosecution that on

28.10.2023 at about 02-00 p.m., the complainant gave a written complaint stating that she was working as a lecturer in Sharanabasaveshwar University and she was -3- deputed as a Supervisor for the examination conducted by the Karnataka Examination Authority. At about 11-30 a.m., when the examination was going on, the Deputy Director of the Karnataka Examination Authority visited along with the police to the examination centre and took

accused No.1 outside the examination hall and interrogated him and they found certain electronic devices by which they were assisting the inmates of the centre.

The brother of accused No.1 answering the questions and also one more accused, who is arraigned as accused No.3 helping to write examination by using the said electronic devices.

3. Based on the complaint, the respondent/police

have registered the case and conducted the investigation. During the investigation, they found that the petitioner, who is arraigned as accused No.17 had also his role in respect of the above said offences. Hence, he has been charge sheeted in this case. -4-

4. Heard Sri Rajesh Doddamani, learned counsel for the petitioner and Sri Gopalkrishna B. Yadav, learned High Court Government Pleader for the respondent/State.

5. It is the submission of the learned counsel for

the petitioner that the petitioner is innocent of the alleged offences. He has been falsely implicated in this case. Merely because, there is a case registered against the petitioner in respect of the offences under the KCOCA Act, that may not be a ground to reject the bail petition. He further submitted that the Court has to see the overt act of the petitioner.

6. It is further submitted that as per the

averments of the charge sheet, the allegation made against the petitioner is that the petitioner met accused No.3 R.D. Patil and formed an association and all of them in pursuance of their common intention were facilitating the candidates, who were writing the examination to do some mal practice in examination. Even though the said allegations have been made by the respondent/police, the

-5-

fact remains that the charge sheet has already been submitted and the petitioner may not be required for any purpose. The alleged offences are neither punishable with death nor imprisonment for life. It is further submitted that the petitioner is the permanent resident of Sonna village, Afzalpur Taluk and he is the student, aged

about

24 years. He will abide the conditions that may be imposed by this Court in the event of his release on bail. Making such submissions, he prays to allow the petition.

7. Per contra, learned High Court Government

Pleader submitted that prima facie the petitioner has committed organized crime. He associated with the other accused and facilitating the candidates, who were writing FDA, PSI examinations held to be conducted by the Karnataka Examination Authority. The petitioner has involved in one more case. Therefore, it is not appropriate to grant him bail. Making such submissions, he prays to dismiss the petition. -6-

8. Having heard the learned counsel for the

respective parties and perused the averments of the complaint and also the material placed in the charge sheet, it appears from the record that the petitioner is arraigned as accused No.17 in the charge sheet. He stated to have assisted other accused in conducting mal practice in the examination, which was held by the Karnataka Examination Authority.

9. Though certain allegations are made against

him, the fact remains that the offences made out against him are neither punishable with death nor imprisonment for life. Having considered the facts and circumstances of the case and also considering that the petitioner is a student, it is appropriate to grant him bail by imposing suitable conditions.

10. Hence, I proceed to pass the following:

ORDER

(i) The criminal petition is allowed. -7-

(ii) The petitioner is enlarged on bail in Crime

No.160/2023 registered by the Ashok Nagar Police Station, Kalaburagi for the offences punishable under Sections 409, 420, 120(b), 201, 109, 114, 36, 37, 34 of IPC and Sections 3(1)(ii)(2), (3)(4) of the KCOCA Act, pending on the file of the Principal District and Sessions Judge, Kalaburagi in Special Case (KCOCA) No.1/2024, by executing personal bond for a sum of Rs.1,00,000/- with one surety for the likesum to the satisfaction of the Trial Court on the following conditions:

- a. The petitioner shall not threaten or tamper the prosecution witnesses. b. The petitioner shall appear before the Trial Court on all hearing dates without fail. Sd/- (S RACHAIAH) JUDGE RSP List No.: 1 SI No.: 37 CT:PK

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com