

Smt. Vanitha Vs. State of Karnataka

Smt. Vanitha Vs. State of Karnataka

SooperKanoon Citation : sooperkanoon.com/935026

Court : Karnataka

Decided On : May-03-2011

Judge : Jawad Rahim

Appeal No. : Criminal Petition No. 2343 of 2011

Appellant : Smt. Vanitha

Respondent : State of Karnataka

Advocate for Pet/Ap. : For the Petitioner: M.T. Nanaiah, Sr. Counsel for N. Kumar, Advocate. For the Respondent: B. Rajasubramanya Bhat, HCGP.

Judgement :

1. Petitioner is accused No.1. The Station House Officer, Kolar Rural Police Station is seeking to arrest her during investigation in Crime No.68/2011 which is for offence punishable under Sections 408, 409, 417, 418, 419, 420, 465, 466, 468 and 471 read with 149 of IPC.
2. The petitioner is not yet been arrested. Apprehending arrest, she seeks direction.
3. From the case papers it is noticed that one V. Narayanappa lodged a complaint at the respondent police station alleging that he is a job card holder of Thondala Village, petitioner is a President of the Grama Panchayat while accused Nos.2 to 8 are the members occupying different positions. They all conspired to fabricate

documents so as to enable withdrawal of money, thereby to make unlawful gain and cheat the State exchequer. On this basis, FIR was registered in Crime No.68/2011 and Investigating Officer is seized of the matter. During investigation, he is seeking to arrest them.

4. The main allegation is that the complainant did not do work under the National Rural Employment Scheme but, the petitioner and others fabricated documents as if he was employed to draw money thereby indulging act punishable under the provisions of IPC referred to above.

5. Sri. Nanaiah, learned senior Counsel for the petitioner would refer to a letter written by the complainant on 10.12.2010 to the petitioner, the President of the Grama Panchayat offering his services under the NREG scheme. On that basis, on his request it is possible that the petitioner and others have offered him job whereas, it would further submit no money was withdrawn which itself shows they had no such intention.

6. Learned Government Pleader opposes grant of relief to the petitioner on the ground that holding a public office as a President of Grama Panchayat, high integrity was expected of the petitioner, but she has indulged in the acts totally in negation of such expectation. It is alleged that she is the main offender while others are conspirators.

7. Keeping in mind what is urged and after examining other available records. I am satisfied creation of document is the main allegation and no disbursement or release of amount is infact alleged and the investigation is in initial stage. Considering the fact situation also that the petitioner is President of Grama Panchayat and as the complainant claims to champion public cause, petitioner could be trusted with bail subject to appropriate conditions.

8. The petition is allowed. The petitioner is admitted to anticipatory bail subject to the following conditions:

(i) The petitioner is directed to appear before the Investigating Officer incharge of investigation in crime No.68/2011 within two weeks from now. On her appearance,

the Investigating Officer may arrest her but she shall be released, if she executes a bond for a sum of `50,000/- with one solvent surety for the like sum.

(ii) After the arrest and release in the manner aforesaid, the petitioner shall appear before the Investigating Officer as and when required and subject herself to interrogation.

(iii) The petitioner shall not tamper or indulge or prevail upon the prosecution witnesses.

(iv) The petitioner shall apply for grant of regular bail within three weeks after her arrest and release in the manner aforesaid. If she applies, the benefit of this order will continue till disposal of that petition. In case of default, the benefit of this order shall stand revoked and there will be no impediment for the Investigating Officer to arrest her.

Petition allowed.

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