



NC: 2024:KHC:18964
CRL.P No. 4237 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MRS JUSTICE M G UMA

CRIMINAL PETITION NO. 4237 OF 2024

BETWEEN:

M. VENKATA RAJESH
S/O M. VENKATARAMAYYA,
AGED 38 YEARS,
R/AT. NO.962, A TYPE,
BDA QUARTERS,
AUSTIN-TOWN, VIVEKNAGAR,
BANGALORE - 560 047.

...PETITIONER

(BY SRI. ALLAH BAKASH .M., ADVOCATE)

AND:

STATE BY EXCISE POLICE
BY EXCISE INSPECTOR,
NANJANGUD,
REP BY SPP OF
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. K. RAHUL RAI, HCGP)

THIS CRL.P IS FILED U/S 438 CR.PC PRAYING TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF HIS ARREST IN C.C.NO.50/2012 (SPLITTED CASE) DATED 25.09.2010 FIR IN CR.NO.12/2007 ORIGINAL C.C.NO.552/08 FOR THE OFFENCE P/U/S 32, 34 OF KARNATAKA EXCISE ACT PENDING ON THE FILE OF THE PRL.CIVIL JUDGE AND J.M.F.C AT NANJANGUD.

THIS CRL.P, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:





ORDER

Petitioner- accused No.2 is before this Court seeking grant of anticipatory bail in Crime No.12/2007-08 of Excise Police, Nanjangud Taluk, pending in CC No.50/2012 on the file of the learned Civil Judge and JMFC at Nanjangud, registered for the offences punishable under Sections 32 and 34 of Karnataka Excise Act, 1965.

2. Heard Sri Allah Bakash M., learned counsel for the petitioner and Sri K. Rahul Paid, learned High Court Government Pleader for the respondent- State. Perused the materials on record.

3. In view of the rival contentions urged by the learned counsel for both the parties, the point that would arise for my consideration is:

"Whether the petitioner is entitled for grant of bail under Section 438 of Cr.P.C.?"

My answer to the above point is in 'Negative' for the following:



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CRL.P No. 4237 of 2024

REASONS

4. Petitioner being accused No.2 is seeking grant of anticipatory bail on the apprehension of being arrested. The facts narrated by learned counsel for the petitioner discloses that the offence was committed on 30.12.2007. Accused No.1 was apprehended, tried and acquitted. But this petitioner was absconding. However, he filed similar petition seeking anticipatory bail during 2019. Same was allowed and conditional anticipatory bail was granted. In spite of that, the conditions were not complied with. Now the petitioner has approached this Court again with similar prayer for grant of anticipatory bail. The offence was committed about 17 years back. The conduct of the petitioner in remaining absent for such a long period and non-compliance of the conditions imposed when anticipatory bail was granted at the first instance, disentitles him from seeking anticipatory bail. Hence, petition stands ***dismissed***.

Sd/-
JUDGE