

**IN THE COURT OF LXXXI ADDL. CITY CIVIL AND
SESSIONS JUDGE, BENGALURU (CCH 82)**

Present

**Sri B. Jayantha Kumar, B.A.Law., LL.M.,
LXXXI Addl. City Civil & Sessions Judge,
Bengaluru City (CCH-82)
(Special Court exclusively to deal with criminal cases
related to elected MPs/ MLAs in the State of Karnataka)**

Dated this the 4th day of May, 2022

Crl.Misc.No. 3955 / 2022

PETITIONER: B.S. Pandurang Singh
S/o Late Shankar Singh
Aged about 55 years,
R/o No.307, College Road
Vastrad Hospital
Basaveshwara Badavane
Hospete-583 201
(Sri Ravi L Vaidya, Advocate for petitioner)

V/s

RESPONDENT: State By Special Investigation Team
Karnataka Lokayukta,
Bengaluru
(By Special Public Prosecutor)

ORDER

This petition is filed by the petitioner under Sec.439(1)(b) of the Code of Criminal Procedure ('Cr.P.C.' for short) seeking relaxation of condition No.3 imposed on him in the order dated 23.12.2015 in Crl.Misc.No.7143/2015 passed by Hon'ble XXIII

Addl. City Civil & Sessions Judge, (CCH-24), Bengaluru and permit him to travel London, United Kingdom from 03.05.2022 to 31.05.2022.

2. In the petition, the petitioner has contended that he had filed Crl.Misc.No.7143/2015 in Cr.No.26/2015 seeking anticipatory bail before XXIII Addl. City Civil & Sessions Judge, Bengaluru (CCH-24) and the Hon'ble Court was pleased to allow the said petition vide order dated 25.12.2015, subject to conditions and among the conditions, condition No.3 is that the petitioner shall not leave India till filing of final report. Petitioner contends that till today, as per his knowledge, the respondents have not filed any final report in Crime No.26/2015.

3. The petitioner further contends that on previous occasions, condition No.3 was relaxed and he was permitted to go abroad. The petitioner contends that he has scrupulously adhered to the conditions imposed upon him. It is contended that his children are studying in London. The daughter of the petitioner by name Priyanka Singh Shankar Pandurang is suffering from home sickness and due to which she is suffering from depression and she is not in a position to concentrate on her studies. She is asking her

parents to come and stay with her for some days in U.K. Therefore, petitioner required to travel to U.K. along with his wife. Travel arrangements are all made and he would be leaving to London from Bengaluru on 3.5.2022 and returning to Bengaluru on 21.5.2022. The reason to travel is genuine one. The petitioner has complied all the conditions of the bail order till date. The petitioner under takes to abide by all the conditions and co-operate with the investigation. It is contended that the education of the daughter of the petitioner at UK is very much essential for her well being and it is the obligation of the petitioner as a father to fulfill her desire during her higher studies and therefore, it is necessary for the petitioner to be with his daughter and if the petitioner fails to comply his duty as a father, his daughter would be put to grave difficulties mentally in UK and she would not be able to pursue her higher studies and thereby cause irreparable loss and injury to her. Hence, it is prayed to allow the petition.

4. After filing of this petition, this Court issued notice to the respondent. Learned Special Public Prosecutor appearing for the respondent filed objections to the application contending that the investigation in the above case is in progress, the present

application filed by the petitioner is not maintainable. During the course of investigation, petitioner had filed Crl.Misc.7143/2013 before XXIII Addl. City Civil and Sessions Judge seeking anticipatory bail, which was allowed by the Court vide order dated 23.12.2015. If the condition No.3 imposed in the bail order is relaxed, the petitioner may not be available for investigation and there is a chance of he settling abroad and thereby cause delay in investigation and trial of the case. The grounds urged by the petitioner in the application are not supported by any medical documents. Presence of the petitioner is vital for the purpose of investigation. The petitioner had marked his attendance only on 1.1.2020, 2.3.2020, 1.7.2020, 4.9.2020, 7.11.2020, 5.1.2021 and 2.3.2021 and on remaining dates, the petitioner is absent and thereby violated the conditions imposed by this Court. The petitioner is very rich and influential and condition is relaxed, he may settle abscond and settle abroad and in that case, it will be highly difficult to secure the presence of the petitioner/accused for trial of the above case. The investigation in the above case is in progress and hence, prayed for dismissal of the petition.

5. Heard the arguments of learned counsel for the petitioner and learned Special Public Prosecutor for SIT, Lokayukta, Bengaluru.

6. The following points arise for my determination;

1) Whether the petitioner has made out any sufficient ground to relax the condition No.3 imposed by this Court in the bail order dated 23.12.2015 in Crl.Misc.No.7143/2015, as sought for in the application?

2) What order?

7. After hearing the argument of both the parties and on considering the relevant materials on record, my findings on the above points are as hereunder:

Point No.1 : In the Affirmative

Point No.2 : As per final order
for the following:

REASONS

8. **Point No.1:** Karnataka Lokayukta, Special Investigation Team, Bengaluru registered this case in Cr.No.26/2015 on 14.09.2015 against the accused No.1 to 11 and also against other private persons and unknown Government officials, who are mentioned as the accused No.12 and 13

respectively for the offences punishable under Sec.379, 409, 420, 447, 468 & 471 r/w Sec.120-B of Indian Penal Code, Sec.13(1)(d) r/w Sec.13(2) of the Prevention of Corruption Act, 1988 and also Sec.4(1) & Sec.4(1)(a) r/w Sec.21 and 23 of MMDR Act on the complaint of Sri Kousalendra Kumar, the then Superintendent of Police, SIT, Karnataka Lokayukta, Bengaluru

9. Learned counsel for the petitioner vehemently argued that earlier the petitioner had filed Crl.Misc.No.7143/2015 in Cr.No.2015 seeking anticipatory bail before XXIII Addl. City Civil & Sessions Judge, (CCH-24), Bengaluru and the Hon'ble Court was pleased to allow the said petition vide order dated 25.12.2015, subject to conditions and among the conditions, condition No.3 is that the petitioner shall not leave India till filing of final report.

10. Learned counsel for the petitioner further argued that the respondents have not yet filed final report in Crime No.26/2015. The petitioner has scrupulously adhered to the conditions imposed upon him in the bail order. The children of the petitioner are studying in London. The daughter of the petitioner by name Priyanka Singh Shankar Pandurang is suffering from

home sickness and due to which she is suffering from depression and she is not in a position to concentrate on her studies. She is asking her parents to come and stay with her for some days in U.K. Therefore, petitioner required to travel to U.K. along with his wife. Travel arrangements are all made and he would be leaving to London from Bengaluru on 3.5.2022 and returning to Bengaluru on 21.5.2022. The reason to travel is genuine one. Hence, prayed to allow the petition.

11. In support of his contention, the petitioner has produced Annexure-A, B and C i.e., copy of the order in Crl.Misc.7143/2015 dated 23.12.2015, tenancy agreement of children of petitioner in London, which evidences that the children of petitioner are residing in London, copy of Air Tickets to show the travel arrangements made by the petitioner.

12. Learned Special Public Prosecutor vehemently argued that the investigation in the above case is in progress. The petitioner is very rich and influential and if he is permitted to go abroad, he may settle abroad and thereby hampering investigation of the case and hence, prayed to dismiss the petition.

13. The materials on record reveal that the children of the petitioner are residing at London. However, the petitioner has not produced any medical documents regarding sufferings of his daughter. As a father, it is the duty of the petitioner to support his children during tough times. Even though the petitioner has not produced any medical documents of his daughter, considering the fact that the petitioner is seeking relaxation of condition for approximately 20 days from 3.5.2022 to 21.5.2022 to travel to London along with his wife to see his children, it is just and necessary to relax the condition No.3 for the limited purpose as prayed for in the petition.

14. The petitioner under takes to abide by all the conditions and co-operate with the investigation and if the petitioner fails to comply his duty as a father, his daughter would be put to grave difficulties mentally in UK and she would not be able to continue her higher studies and thereby cause irreparable loss and injury to her. Therefore, there are no reasons to reject the application. Accordingly, the point No.1 is answered in the affirmative.

15. **Point No.2:** In view the discussions made herein above, I proceed to pass the following:

ORDER

The application filed by the petitioner B.S.Panduranga Singh under Sec.439(1)(b) of Cr.P.C. is hereby allowed.

The condition No.3 imposed by this Court while granting bail to the petitioner vide order dated 23.12.2015 in Crl.Misc.No.7143/2015 is relaxed for a limited period. Consequently, the petitioner is permitted to travel to London, United Kingdom for the period from 03.05.2022 to 21.05.2022 subject to the following conditions:

- 1) He shall file affidavit after he return to India from abroad on completion of his journey and he shall produce necessary documents such as original Flight Boarding Pass to the Court within 15 days immediately after his return from abroad,
- 2) He shall furnish his present mobile number and e-mail address to the Court before travelling abroad for the period as permitted herein above,
- 3) He shall furnish particulars of his travel schedule, place of stay and other concerned details to the Court before going abroad,

- 4) He shall appear before this Court even earlier to the completion of the period permitted herein above for his journey, if this Court so directs,
- 5) If he violates any of the conditions mentioned herein above, the bail granted in his favour in the case shall stand cancelled.

(Dictated to the Judgment writer directly on computer, revised and corrected by me and then pronounced in the Open Court on this the 4th day of May, 2022)

(B. Jayantha Kumar)
LXXXI Addl. City Civil & Sessions Judge,
Bengaluru City (CCH-82)
(Special Court exclusively to deal with criminal cases
related to elected MPs/ MLAs in the State of Karnataka)

B JAYANTHA
KUMAR

Digitally signed by B
JAYANTHA KUMAR
Date: 2022.05.04 13:47:01
+0530