



Presented on : 26-04-2022
Registered on : 27-04-2022
Decided on : 11-05-2022
Duration : 15 days

**IN THE COURT OF THE I ADDL. DIST. & SESSION JUDGE,
AT:KALABURAGI.**

Present:

Sri.Shuklaksha Palan

B.Com., LL.M.

I Addl. Dist. & Sessions Judge,
Kalaburagi.

Criminal Miscellaneous No.871/2022

Dated this the 11th day of May 2022

PETITIONER:

Rajesh S/o Prabhakar rao Hagargi
Age: 49 years, Occ: Agriculture &
President of Gnyana Jyoti English Medium School,
Kalaburagi R/o Plot No.17 P & T colony,
Old Jewargi Road, Kalaburagi.

(By Sri.Ashok B Mulge, Advocate)

// Versus //

RESPONDENT:

The State of Karnataka
through Chowk, Police Station,
Kalaburagi.

(By Public Prosecutor)

ORDER ON BAIL PETITION

1. The petitioner has filed this petition under section 439 of
Cr.P.C, praying this court for granting regular bail in



Cr.No.48/2022 of Chowk Police Station, Kalaburagi for the offences punishable under sections 120(B), 465, 468, 471, 420, 409 & 212 R/w Sec.34 of Indian Penal Code.

2. The brief factual matrix of the case is that Karnataka Police Department had invited applications for the purpose of appointment of 545 post of P.S.I vide notification dated: 21.01.2021. The examination process was over and during the time of valuation of the papers then the concerned department acquainted with the fact that some of the candidates have practiced fraud and cheated the department. Therefore, some of the intelligent candidates might have lost the appointment. Consequently the State Government had directed the C.I.D to conduct an enquiry in this regard. Consequently the Investigating Officer came to know that one Veeresh had appeared to the examination under the application No.2271151 and he had got roll No.9221946. He had attended the examination in Gnyana Jyoti English Medium School of Kalaburagi. It is revealed from the materials on record that said Veeresh, who is the accused No.1 in this case



on hand had answered the paper No.2 of 'A' grade. He had received the OMR answer sheet in the examination hall by the end of examination. All the OMR sheets have been collected and they were sent to the C.I.D office of Bengaluru for corrections. It is also stated that the candidates have been allowed to retain the copies of the answer sheets. During the course of investigation it was revealed that said Veeresh had retained OMR answer sheet and by that time he had only answered 21 questions. On the other hand, in the answer sheet it was found that he had answered all 100 questions. Therefore, a serious doubt was accrued in the mind of the Investigating Officer in this regard. By that time it is revealed that after appearing the examination, this Veeresh had mingled along with other culprits thereby to get the filled in the remaining answers of OMR answer sheets. During the course of enquiry, it is also revealed that after the examination, before sending to the concerned department, the remaining answer sheets were filled by some of the culprits were involved in this case on hand. Therefore at the



instance of this accused No.1 Veeresh this case was registered against him and other culprits.

3. After appreciating the other materials on record, it is revealed that the Investigating Officer has collected the several materials that will reflect that this Veeresh having contact with the other accused persons of this case on hand. In this regard, his mobile phone and other documents have been collected by the Investigating Officer which shows the involvement of other accused apart from involvement of this petitioner also. This petitioner is accused No.8 in this case on hand as per F.I.R. During the course of enquiry, of this petitioner, he has stated that he has sent his vehicle bearing Reg. No.KA-32-Z-0207 along with driver one Ambrish Hadapad to drop Smt. Archana. Therefore, it is alleged that he had enabled said Archana to escape from the spot. Apart from it, by the time of his arrest he was present in the house that itself indicate that he did not assist any one of the accused to abscond. The petitioner was only arrested on the basis of the statement of said Archana given before I.O. and this petitioner



has also been included in this case on hand as accused No.8. Consequently, he has been produced before the concerned Court and later on remanded to judicial custody. So, he had approached this court with the bail petition seeking regular bail by contending that he has been falsely implicated only at the instance of informant and ill wishers. No such specific allegations made against him in the F.I.S. Nothing was recovered from his possession in connection with this case on hand. He is having the dependents to look after them. The alleged offences are triable by the jurisdictional Magistrate. He is ready and willing to follow any conditions to be impose by this court. Therefore, prays to allow the bail petition.

4. The learned public prosecutor filed detail objection and took up the contention that in order to fill up 545 vacancy created in civil P.S.I post examination was conducted in Gnyana Jyoti English Medium School of Kalaburagi. This petitioner has assisted one Archana-culprit of this case on hand by providing her vehicle to escape from the spot. On the other hand, with the help of blue tooth and other devices the



said Archana helped the accused in answering the questions belongs to some of the candidates thereby enable them to secure full marks in the said examination. Several documents have been seized from the possession of this petitioner that will indicate about his involvement in this case on hand. A prima-facie case is made out against this petitioner/accused who is accused No.8 in this case. He is the President of Gnyana Jyoti English Medium School, Kalaburagi where this big criminal scam took place. This petitioner and other accused have got benefited out of the illegal act done by them in this regard. He has committed the offence of criminal breach of trust and cheated thereby demolished the very economical backbone of the State Government. The offences leveled against this petitioner would attract punishment for more than ten years. He is having the background of political and financial people. The investigation of this case is still in progress. Moreover a sum of Rupees One crore and sixteen lakhs have been seized from the possession of various and other accused like Manjunath, Ravindra and Raju. Some of the



accused are still absconding. The petitioner is involved in heinous offences of cheating and criminal breach of trust. Therefore, there are chances for absconding and threatening the witnesses. Under such circumstances, his bail petition is to be dismissed.

5. The Investigating Officer has also filed statement of objections to the bail petition.

6. Heard the argument canvassed by the learned counsel for the petitioners Sri.Ashok B Mulge and learned public prosecutor for State, perused the petition, objection and available materials placed on record, including the I.O. objection.

7. The points for determination are as under,

1. Whether the petitioner has made out just and reasonable grounds to enlarge on regular bail in Cr.No.48/2022 of respondent PS as prayed?
2. What order?

8. My findings on the above points are as under,

1. In the Negative.



2. As per final order, for the following:

REASONS

9. Point No.1:- So, after appreciating the material fact of the case, as seen from the materials furnished by the petitioner itself, it is noticed that a big scam of criminal breach of trust, cheating, forgery and criminal conspiracy was taken place in the process of appointment of candidates to the vacancy of 545 post of civil P.S.I posts in the police department of State Government. It is also seen that the said scam was commenced in Kalaburagi District itself. Because some of the candidates including accused No.1 had attended the written test that was taken place in Gnyana Jyoti English Medium School of Kalaburagi. There was an allegation that some of the candidates who have appeared to the said examination have partly filled their respective answer sheets as per the illegal agreement a false conspiracy was taken place in between this accused and other culprits. The other accused have agreed to fill the remaining answers which was provided to them through the xerox copy of the answer book. Therefore, accused No.1



Veeresh had secured 100 marks even though he had only answered 21 questions out of 100. So, when the paper valuation process was taking place then the scam was discovered by the concerned. As per the directions of the State Government an enquiry was conducted. The accused Veeresh and others were taken into custody. They have given their voluntary statements respectively. On the basis of their voluntary statement of Veeresh and some other culprits several recovery and incriminating articles were seized at their instance. Afterwards the arrest accused were produced before the concerned court and they were remanded to judicial custody. In between that, they were also taken to police custody and they have been deputed and during that point of time their involvement was also revealed. On the other hand, this petitioner has totally refuted the allegations made out against him. Apart from it, he has expressed his problem that he is suffering from ill health and continuously taking treatment. He is ready to abide any conditions to be impose by this court, if bail is granted to him. Such being the case,



whether he is entitled for an order of regular bail is a matter for consideration at present before this court.

10. Sri.Ashok Mulge learned counsel appearing for petitioner/accused has canvassed that this petitioner is a President of Gnyana Jyoti English Medium School of Kalaburagi. Apart from it, the maximum punishment is to be imposed is three years and the offences made out against this petitioner is bailable one. Except alleged harboring the offender he did not made any act. But he did not enable the other accused to abscond . On the other hand, by the time of dropping the accused Archana, her name was not found, nor even the complaint was registered. On the other hand, at the instance of one Divya Hagargi, the Principal of that Institution he had dropped said Archana to her house through his driver. Therefore, he has been falsely implicated in this case on hand. Since the date of arrest he is in judicial custody. He is having two small children. He is ready and willing to follow any conditions to be impose by this court. Therefore, prays to allow the bail petition. In support of his arguments, the learned



counsel submitted unreported citation in case of Sri.Riyazuddin Vs State of Karnataka by Devarajeevanahalli Police Station, Bengaluru rendered in Criminal Appeal No.271 of 2021.

11. The learned public prosecutor has canvassed that this petitioner is the President of Gnyana Jyoti English Medium School of Kalaburagi, which is run by his own wife who is the Principal of the said Institution. She is the king-pin of this case on hand. Therefore, this petitioner and his wife have actively played role thereby enabled the other accused persons to get full marks in the P.S.I examination. Apart from it, because of the act of this petitioner itself, the main accused Archana is absconding and her whereabouts is not so far traced. Under such circumstances, this petitioner and other accused are directly or indirectly involved in this case on hand. Their intention is to demolish the entire examination process conducted by the concerned department at the instance of the State Government, that is to be deprecated. It was further canvassed that they done the illegal act cleverly and that thing was able to seize in the CC TV provided in the said particular



room as well as this illegal act was discovered only during the course of correction of the papers, after eight months next to the conducting of examination process. So, the act was done very cleverly by this petitioner and other accused persons. Ofcourse this petitioner was examined by the Investigating Officer, but at present he is unable to get regular bail, because the investigation is not over. He is having hand in glove with the politically motivated people. Therefore, there are chances of influencing other accused persons also. Apart from it, other accused persons are absconding. Under such circumstances, her bail petition is to be dismissed.

12. The principles laid down in unreported citation referred above will not assist the petitioner herein because here section 34 of Indian Penal Code is also invoked by the Investigating Officer, even by the time of registering the complaint also. So, until filing of the charge sheet this petitioner is also to be considered as culprit in this case on hand. When his wife has actively involved how the Court can disbelieve about the non involvement of this petitioner ? Therefore, what are the



grounds stated by this petitioner or mitigating circumstances expressed are insufficient to grant regular bail for the present.

13. Any how this court has taken into consideration materials provided by both the sides. As discussed above, a high scam criminal case was registered against this petitioner and other accused persons of this case on hand. Ofcourse it was canvassed by the learned counsel for the petitioner that only at the instance of accused No.1, he has been implicated in this case on hand. But this court feels that investigation of this case is not over. So, whether this petitioner is actively involved in this case on hand or not is to be ascertained only after filing of charge sheet. So, till then on the basis of the materials available on record, this Court is also able to hold that a prima-facie case is made out against this petitioner. The facts, situation and circumstances of the case on hand is liable to be taken into consideration. Because it is not a simple case to grant bail to the petitioner for the present on the pretext that enquiry was over. Apart from it, the main accused Archana is



absconding and other accused persons also did not so far traced. So, Crores of ruppees are involved in this case on hand, the accused persons made their level best to get the benefit of the examination with the help of the other culprits with the intention to grab the post of P.S.I., by employing illegal method with any amount of hook or crook. Under such circumstances, what are the mitigating circumstances, made out by the petitioner is not considerable fact for the time being. Therefore, this court is of the clear opinion that the petitioner/accused definitely not made out grounds to release him on regular bail for the present. So far investigation is not over, public faith should not be diminished towards courts, and their interest is liable to be protected. Under these circumstances, this court feel that the bail petition filed by the petitioner is liable to be dismissed. Accordingly, I answer point No.1 in Negative.

14. **Point No.2**:- In the result, I proceed to pass the following:



ORDER

The bail petition filed by the petitioner U/Sec.
439 of Cr.P.C. is hereby dismissed.

(Dictated to the Judgment Writer transcribed by him on
computer, script corrected, signed and then pronounced by me
in the open court dated this the 11th day of May 2022).

(Shuklaksha Palan)
I Addl. Dist. & Sessions Judge,
Kalaburagi.

Dictated on :10-05-2022
Transcribed on :10-05-2022
checked on :10-05-2022
Signed on :11-05-2022

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