



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH
DATED THIS THE 27TH DAY OF DECEMBER, 2024
BEFORE
THE HON'BLE MR. JUSTICE G BASAVARAJA
CRIMINAL PETITION NO. 103794 OF 2024
(438(Cr.PC)/482(BNSS))**

BETWEEN:

KAMAMMA D/O. AMARAPPA NAVALI,
AGE: 37 YEARS, OCC: GOVERNMENT TEACHER,
R/O. SIRAVAR, TQ: KANAKAGIRI,
DIST: KOPPAL-583231.

- PETITIONER

(BY SRI. B.C.JNANAYYA SWAMI, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH TOWN P.S. KOPPAL,
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENCH AT DHARWAD.

- RESPONDENT

(BY SRI. KEERTILATA R.PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED U/S 438 OF CR.P.C. (482 OF BNSS), SEEKING TO ALLOW THIS PETITION BY GRANTING ANTICIPATORY BAIL, DIRECTING THE RESPONDENT POLICE TO RELEASE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.114/2024 REGISTERED BY THE KOPPAL TOWN POLICE STATION, FOR THE OFFENCES PUNISHABLE U/S 132 OF BHARATIYA NYAYA SANHITA, 2023, PENDING INVESTIGATION AND TRIAL & ETC.

THIS CRIMINAL PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE G BASAVARAJA)

The petitioner who is accused in Crime No. 114/2024 of Koppal Town Police Station, has filed this application u/S 482 of Bharatiya Nyaya Suraksha Sanhita, 2023 (for short 'BNSS').

2. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged against her. There is delay in filing the complaint. The alleged offence is not punishable with death or imprisonment for life and exclusively triable by the Court of Magistrate. The petitioner is working as a Government Teacher. He would further submit that petitioner has taken KPSC examination which is to be held on 29.12.2024. The petitioner is ready to abide by any conditions imposed by this Court. To substantiate his contention, he has produced copy of the admission ticket.

3. The learned HCGP would submit that there are sufficient materials to attract alleged offence. The accused



is required for investigation. On all these grounds sought for dismissal of the petition.

4. I have perused the records. On the basis of the complaint filed by one Shivanand A.R., Koppal Town Police have registered a case in Crime No. 114/2024 against the accused for the offence punishable u/S 132 of BNSS.

5. It is the case of the prosecution that the complainant is the Principal of the Government Girls Junior College, Koppal, which was a center for writing KPSC examinations held on 27.08.2024. The accused is a person with a disability, had been to the college to write the examination along with her scribe in Room No. 3 of the said College. The authorities did not allow the accused to write the examination through her scribe by stating that he was more qualified than her. Enraged by it, accused has threatened the authorities and deterred the said officials from discharging their duties.



6. The alleged commission of offence is exclusively triable by the Court of Sessions and punishable with imprisonment upto two years or both. Petitioner is a lady, working as a Teacher in Government School. The admission ticket produced by the petitioner reveals that there is examination on 29.12.2024 of Gazatted Probationary Officers 2023-24 for Group 'A' and 'B'.

7. Considering the nature and gravity of offence, occupation of the petitioner and KPSC examination to be held on 29.12.204, I am of the opinion that it is just and proper to release the accused on bail in the event of her arrest, on conditions. Accordingly, I pass the following order.

ORDER

- (i) Petition filed by the petitioner is allowed.
- (ii) Petitioner/accused shall be released on bail in the event of her arrest in Crime No. 114/2024 of Koppal Town Police Station, on her executing self bond of Rs.25,000/- with one surety for the likesum.



(iii) The petitioner / accused shall make herself available for the purpose of investigation as and when required and he shall co-operate with the investigation.

(iv) The petitioner / accused shall furnish his residential address proof and shall inform the investigating officer / Court if there is any change in the address.

(v) The petitioner / accused shall not tamper with the prosecution witnesses either directly or indirectly.

(vi) The petitioner / accused shall not indulge in any criminal activities.

At the request of the petitioner counsel, office is directed to issue certified copy of the order by hand.

Sd/-
(G BASAVARAJA)
JUDGE

BVV
Ct:vh
List No.: 1 Sl No.: 36