IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

CRIMINAL PETITION NO.16755 OF 2025
(438(Cr.PC) / 482(BNSS))

BETWEEN:

JOEMAN V.K.
S/O KUHI KUHI,
AGED ABOUT 40 YEARS,
R/AT MALERI KUNNIL VILLAGE,
KULANNADA,
PIYUPATTANANTITTA DISTRICT,
KERALA – 689 503.

...PETITIONER

(BY SRI ABHINAY Y.T., ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY SAKLESHPURA TOWN POLICE STATION,
REPRESENTED BY THE
SPECIAL PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU-560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

Digitally signed by MAHALAKSHMI B M
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 CR.P.C. (FILED U/S 482 BNNS) PRAYING TO GRANT ANTICIPATORY BAIL TO THE PETITIONER IN THE EVENT OF HIS ARREST IN CRIME NO.71 OF 2016 REGISTERED BY RESPONDENT POLICE – SAKLESHPURA TOWN POLICE STATION AND PENDING ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, SAKLESHPURA FOR OFFENCES PUNISHABLE UNDER SECTION 465, 468, 489A, 489B, 489C, 489D, AND 420 OF IPC.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

The present Criminal Petition is directed against the order dated 12.11.2025 passed in Criminal Miscellaneous No.1032/2025 by the Principal District and Sessions Judge, Hassan ('trial Court' for short), whereby the petition filed by the petitioner under Section 438 of Cr.P.C., seeking anticipatory bail in Crime No.71/2016 for the offences punishable under Sections 465, 468, 489A to 489D and 420 of IPC came to be rejected.

2. The case of the prosecution is that the appellant along with the other accused person was involved in printing and circulating counterfeit currency notes of ₹500/- denomination, thereby causing loss to the public and State Exchequer. During the course of the investigation, materials used for printing of counterfeit notes were seized and statement of the co-accused were

recorded implicating the petitioner. It is further seen that the petitioner has been absconding since 2016, and despite issuance of non-bailable warrant, proclamation and attachment of properties, proceedings and attachment, his presence could not be secured.

3. Learned counsel for the petitioner contends that the proclamation proceedings are illegal and unsustainable as under Section 82 of Cr.P.C., permits issuance of proclamation only in respect of specified serious offences such as Sections 302, 304, 364, 365, 382, 392, 402, 436, 449, 459 and 460 IPC and not for the offences alleged in the present case. It is therefore, contended that the very basis on which the trial Court relied to deny the anticipatory bail is erroneous. Reliance is placed on the judgments of the High Court of Madhya Pradesh and the Apex Court, in the case of ***ASHA DUBEY VS. STATE OF MADHYA PRADESH***[1], to contend that the anticipatory

[1] *SLP(CRL)No.13123/2024*

bail can be granted even where proclamation proceedings are issued, subject to the facts of the case.

4. *Per contra*, learned High Court Government Pleader appearing for the respondent - State submits that the appellant has been absconding for several years, and his conduct clearly establishes evasion of process of law. The issue of proclamation is justified in light of his continued absence. Reliance is placed on the following judgments:

> In the decision of the Hon'ble Apex Court in the case of ***SRIKANT UPADHYAY AND OTHERS Vs. STATE OF BIHAR AND ANOTHER***[2].
>
> In the decision of the High Court of Madhya Pradesh at Jabalpur in the case of ***DEEPANKAR VISHWAS Vs. STATE OF MADHYA PRADESH THROUGH P.S. OMTI, DISTRICT JABALPUR***[3], to contend that an absconding accused is not entitled to anticipatory bail.

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[2] *SLP(CRL.)NO.7940/2023*
[3] *Miscellaneous Criminal Case No.25252/2022*

5. The point that arises for consideration is:

> " *whether the petitioner has made out a case for grant of anticipatory bail under Section 438 of Cr.P.C., in the facts and circumstances of the case?".*

6. Though it is contended by the learned counsel for the petitioner that the proclamation under Section 82 of Cr.P.C could not have been issued for the offences alleged against the petitioner, the material on record would clearly indicates that, after having enlarged on bail, the petitioner failed to appear before the trial Court and continuously remained absent. The proclamation proceedings came to be initiated only after the petitioner failed to respond to the process issued by the Court. The conduct of the petitioner to remain absent and evading the proceedings, disentitles him from seeking a discretionary relief of anticipatory bail. Further, the offences alleged related to counterfeiting of currency, which are serious in nature and have wider ramifications on the economy. The judgments

relied by the petitioner are distinguishable on facts, whereas the principles laid down in the case of ***STATE OF MADHYA PRADESH VS. PRADEEP SHARMA***[4] squarely applies to the present case, wherein it has been held at paragraph No.16 as under:

> *" 16. Recently, in Lavesh v. State (NCT of Delhi), this Court (of which both of us were parties) considered the scope of granting relief under Section 438 vis-à-vis a person who was declared as an absconder or proclaimed offender in terms of Section 82 of the Code. In para 12, this Court held as under. (SCC p. 733)*
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> *"12. From these materials and information, it is clear that the present appellant was not available for Interrogation and investigation and was declared as 'absconder. Normally, when the accused is 'absconding and declared as a 'proclaimed offender. there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in*

[4] *(2014) 2 SCC 171*

terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail."

It is clear from the above decision that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail."

(*emphasis supplied*)

7. In light of settled proposition of law, this Court is of the considered opinion that the petitioner has not made out any grounds for grant of anticipatory bail, and the order passed by the trial Court does not warrant interference and accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

The Criminal Petition is hereby ***dismissed.***

Sd/-

JUSTICE K.S. HEMALEKHA

PHM/List No.: 2 Sl No.: 6