

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS 21st DAY OF AUGUST, 2002

BEFORE

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

CRL.P No 2358 OF 2002

BETWEEN

1 PYARU SAB S/O IMAMSAB
70 YRS, # 4190, 7TH CROSS
COFFEE BOARD COLONY, SHAMPUR RD
B'LORE ... PETITIONER

(By Sri. C R RAGHAVENDRA REDDY)

AND

1 STATE BY CHANNAPATNA TOWN POLICE STATION
B'LORE (R) DIST ... RESPONDENT

(By Sri.M. MARIGOUDA, ADDL. SPP)

CRL.P FILED U/S 438 CR.P.C BY THE ADVOCATE FOR THE
PETITIONER PRAYING THAT THIS HON;BLE COURT MAY BE
PLEASED TO ENLARGE THE PETITIONER ON BAIL IN THE EVENT
OF HIS ARREST IN C.C.NO.1390/88 OF CIVIL JUDGE(JR.DN)&
JMFC, CHANNAPATNA, WHICH IS REGISTERED FOR THE OFFENCES
PUNISHABLE U/S

This petition coming on for orders this day, the
Court delivered the following:



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ORDER

The petition filed under Section 438 Cr.P.C. for grant of anticipatory bail. A case is registered against the petitioner and others for committing offences punishable under Sections 86 and 87 of the Karnataka Forest Act read with Section 379 IPC and Section 62 of the Karnataka Forest Act in crime No.1/88. The investigation is complete and charge sheet is filed in CC.No.1390/88 on the file of JMFC, Chanapatna. The petitioner is arrayed as accused No.10 in this case and shown as absconding. It appears that NBWs are issued against the petitioner by the Court. Being aggrieved, the present petition is filed.

2. Since the charge sheet is filed, the relief under Section 438 Cr.P.C. does not arise. After all a Court of law has issued NBW against the petitioner as he is found to be an absconding accused. If the petitioner has any bonafide grounds to plead to secure bail, he is entitled to approach the trial Court, make necessary application under Sub Section (2) of Section 70 to recall of the warrant and can seek bail.



3. It is pointed out by the counsel for the petitioner that the lorry in question used for transportation of contraband property was not belonging to him and he had sold it to one Kalyal Abbas at the time when the alleged offence was committed. The petitioner also states that he was not present at the scene when the vehicle came to be intercepted and seized by the authorities. These are the circumstances may be good for consideration for the grant of bail to the trial Court. The petitioner is entitled to urge the same before the trial Court while seeking bail. Under the circumstances, I find no merit in the petition.

4. Accordingly, the petition is dismissed. However it is observed that the petitioner can approach the trial Court to seek bail and in the event of such an application, the trial Court shall dispose of the said application on the same day without any further adjournment.

Mh*

Sd/-
Judge