

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF MARCH, 2022

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.1833 CF 2022

BETWEEN:

VARAVARA RAO @ PENDYALA
VARAVARA RAO @ V V

... PETITIONER

(BY SRI S. BALAKRISHNAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY THIRUMANI P S
REP BY SPP
HIGH COURT BUILDING
BENGALURU 560001
2. C B KARIGOWDA
H.C.35, 9TH BATALLION KSRP,
KSRP CAMPUS, CHOODASANDRA
BENGALURU - 560 100

... RESPONDENTS

(BY SRI V.S.HEGDE, SPP-2 FOR R2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE ORDER PASSED IN S.C.NO.5019/2019 PENDING BEFORE 4TH ADDITIONAL SESSIONS JUDGE, TUMKURU SITTING AT MADHUGIRI ON 11.02.2022 REJECTING THE APPLICATION FILED U/S.70(2) OF CRPC WITH AN EXEMPLARY COST OF RS.25,000/-.

THIS CRIMINAL PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner calls in question an order dated 11.02.2022, passed in S.C.No.5019/2019 by the IV Additional Sessions Judge, Tumakuru, rejecting the application filed under Section 70(2) of Cr.P.C. with regard to warrant of arrest.

2. Learned counsel for the petitioner submits that the petitioner is out on bail being granted by the High Court of Bombay and the conditions of the bail reads as follows:

“: ORDER:

(a) The writ petitions are allowed in the following terms.

(b) The undertrial - Dr. P.V. Varavara Rao is directed to be discharged from the Nanavati Hospital

depending upon his health condition as on today and he be released on bail, for the present, for a period of six months on his furnishing a P.R. Bond of Rs. 50,000/- and two solvent sureties in the like amount, subject to the following conditions.

(c) The undertrial shall not leave the jurisdiction of the NIA Court at Mumbai on being released on bail. He shall reside within the said jurisdiction. He shall inform the NIA Court immediately about his place of residence within the said jurisdiction and his contact numbers, as also those of his relatives residing with him.

(d) The undertrial shall attend the proceedings of trial before the NIA Court as and when he is specifically summoned in respect of NIA Special Case No. 414 of 2020. However, he may apply for exemption from personal appearance before the NIA Court and, if such an application is made, the said court shall decide the same in accordance with law.

(e) The undertrial shall report to the nearest police station through WhatsApp Video Call fortnightly. The concerned police officers to allow such reporting through WhatsApp Video Call.

(f) The undertrial shall not make any statement regarding the aforesaid proceedings pending before the NIA Court in any form of media i.e. print media, electronic media, etc. including social media.

(g) The undertrial shall not indulge in any activity similar to the activities on the basis of which the said FIR stood registered against him for offences under the IPC and UAPA.

(h) The undertrial shall not try to establish communication with co-accused or any other person involved directly or indirectly in similar activities or make any international call to any person indulging in similar activities as alleged against him, through any mode of communication.

(i) The undertrial shall not undertake any action which is prejudicial to the proceedings before the NIA Court.

(j) The undertrial shall not personally or through anyone make any attempt to influence witnesses or tamper with the evidence.

(k) There shall not be any gathering of visitors, other than near relatives, where the undertrial shall reside, within the jurisdiction of the NIA Court.

(l) On completion of period of six months, the undertrial shall surrender to the jail authorities, or he may apply for extension, depending upon his health condition supported by medical examination reports.

(m) The undertrial shall surrender his passport before the NIA Court within one week of his release.

(n) In the event, the undertrial violates any of the aforesaid conditions, the relief of bail granted by this court will be liable to be cancelled.”

3. Learned State Public Prosecutor – II who represents respondent No.1 - State submits that the petitioner is required in the Sessions Case No.5019/2019 at Madhugiri Court,

Tumkuru and there are grave allegations against him. His absence has resulted in issuance of non-bailable warrant. He would further submit that a necessary application before the High Court of Bombay or National Investigation Agency Court, seeking relaxation of the bail conditions with regard to the petitioner not leaving the jurisdiction of National Investigation Agency Court at Bombay would be sought, only to face the trial in S.C.No.5019/2019. He further undertakes that the petitioner would not be arrested till such an application is filed before the High Court of Bombay or NIA Court and suitable orders of such relaxation is passed.

4. Learned counsel for the petitioner submits that in view of the undertaking of the learned SPP – II, petition would not survive for further consideration.

5. In view of the aforesaid submissions of the learned State Public Prosecutor – II, the criminal petition stands disposed.

In view of the disposal of the petition, I.A.Nos.1 and 2 of 2022, do not survive for consideration and the same are disposed.

Sd/-
JUDGE

nvj
CT:MJ