

PRL. CITY CIVIL AND SESSIONS JUDGE

In The Court Of : CCH57 LVI ADDL. CITY CIVIL AND SESSIONS JUDGE**CNR Number :** KABC010255202024**Case Number :** CrI.Misc./0009063/2024**Date :** 30-09-2024**VISHAL RAGHU Versus VIDHANA SOUDHA PS****Daily Status**

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<p>Heard on application filed by the counsel for the petitioners u/s.438(1-A) of Cr.PC and perused the records. The complainant police have registered the case against the petitioner and others for the offences punishable u/ss.37, 34, 120(B), 403, 406, 409, 420, 465, 468, 471 and 477(A) of IPC. The petitioner No.1 to 3 are arrayed as Accused No.1 to 3. The petitioner No.1 is the Chairman, the petitioner No.2 is the Vice Chairman of Karnataka State Bar Council and the petitioner No.3 is the Manager and Former Manager of the State Bar Council. It is alleged in the compliant filed on 17.04.2024 that on 12th and 13th of August 2023 the Karnataka State Bar Council organized state level Advocates Conference in collaboration with the Advocates Association Mysore in which the petitioners No.1 and 2 have misappropriated the funds. It is mentioned in the petition that the complainant is the member of Karnataka State Bar Council and he had also participated in the meetings where the income and expenditure of accounts in respect of said conference was accepted. The KSBC in its proceedings dt.25.05.2024 has approved audit report. The counsel for the petitioners argued that the complainant had participated the meetings of the KSBC and two resolutions were passed on 04.11.2023 and 05.11.2023 wherein the income and expenditure of the state level conference has</p>		

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been approved by all 25 members of the Bar Council. He further argued that in another meeting of the Bar Council held on 25.05.2024 it has been resolved that the matter in issue under serial No.19 shall be closed. The audit report pertaining to the conference is already approved by the KSBC. There is apprehension of arrest and hence prayed grant interim anticipatory bail to the petitioners. In a decision reported in (2009) 7 SCC 559 in which in the case of Sukawant Singh and others v/s State of Punjab it is observed that "reputation of a person is his valuable asset and is a facet of his right under Article 21 of Constitution of India. The court has discretionary power to grant interim bail". In another decision reported in (2010) 15 SCC 154 in the case of Mukesh Krishnapuria V/s State of West Bengal it is held that "power to grant regular bail includes power to grant interim bail". One should not be compelled to go to jail if one can prima facie establish his innocence. The allegations against the petitioners is that they have misappropriated the funds used during conducting of State level Advocates Conference. It is alleged in the petition that the income and expenditure has been approved in the meetings of the KSBC and audit report is also approved. The investigation in this case is to be conducted on the documents furnished regarding income and expenditure of the said conference. As such, the custodial enquiry may not be necessary. The petitioners are the Chairman, Vice Chairman and Manager of KSBC and as such the question of fleeing away from justice will not arise. There are just and reasonable grounds to grant interim anticipatory bail to the petitioners by imposing suitable conditions. Hence the following is made : ORDER The application filed by the petitioners u/s.438(1-A) of Cr.PC is allowed. The petitioners are entitled to be released on interim anticipatory bail. The petitioners are ordered to be released on bail in Crime No.37/2024 of respondent police in the event of their arrest during the pendency of this petition, on executing personal bond for Rs.1,00,000/- each and on furnishing surety for the likesum. The petitioners shall co-operate with the investigation and they

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shall not tamper with the prosecution witnesses. Issue notice to learned PP r/by 07.10.2024.		