



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

CRIMINAL PETITION NO. 200626 OF 2026

(438(Cr.PC)/482(BNSS))

BETWEEN:

MUNAWARDAUL
S/O M M DAUL, AGE 41 YEARS,
OCC: GOVT SERVANT
R/O HUSSAIN GARDEN
MSK MILL ROAD KALABURAGI

...PETITIONER

(BY SRI. AMEET KUMAR DESHPANDE, SENIOR COUNSEL
FOR SRI. LIYAQAT FAREED, ADVOCATE)

AND:

THE STATE OF KARNATAKA
THROUGH LIKAYUKTA POLICE STATION
REPT THROUGH PUBLIC PROSECUTOR
HIGH COURT BENCH KALABURAGI 585107

...RESPONDENT

(BY SRI. GOURISH KHASHAMPUR, SPL.PP)

THIS CRL.P FILED U/S. 482 OF BNSS(NEW) U/S 438 OF CR.P.C (OLD) PRAYING TO ISSUE DIRECTIONS TO THE CONCERNED POLICE AS WELL AS THE JURISDICTIONAL MAGISTRATE TO RELEASE THE PETITIONER ON BAIL IN CRIME NO.17/2025 OF LOKAYUKTA P.S KALABURAGI FOR THE OFFENCES U/SEC. 13(1)(a) R/W SEC. 13(2) OF CORRUPTION (AMENDMENT) ACT 1988 AND SEC. 409, 420, 467, 471 OF IPC PENDING ON THE FILE OF PRINCIPAL DISTRICT AND





SESSIONS JUDGE AT KALABURAGI, IN THE EVENT OF ARREST,
IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

Heard Sri. Ameet Kumar Deshpande, learned Senior Counsel assisted by Sri.Liyaqat Fareed Ustad, learned counsel appearing for the petitioner and Sri.Gourish S.Khashampur, learned Special Public Prosecutor for the respondent-Lokayuktha.

2. Sri. Gourish S Khashampur, learned Spl.PP on 05.05.2026 while accepting notice sought time to file objections. Today he has filed objections on behalf of the Lokayuktha to the petition.

3. Learned Senior Counsel appearing for the petitioner submits that the allegation against the petitioner regarding misappropriation of funds for the year 2019-20, 2020-21. The allegations were the records were not



properly managed as per rules, and the project details were not properly reflected in the notes so also they were not certified by any officer and misappropriation of funds is to the extent of Rs.5,70,00,000/-.

4. Learned Senior Counsel further submits that the petitioner is a Government Servant, the question of he absconding does not arise at all and petitioner make himself available for investigation as and when called for by the Investigating Officer. As all the records are with the concerned corporation and the petitioner is now transferred and working as Project Officer in DUDC he would not have any access to the documents and the apprehension that he would tamper with the documents and influence the witnesses are baseless. Therefore, petitioner may be enlarged on anticipatory bail. Hence, prays to allow the petition.

5. Sri. Gourish S.Khashampur, learned Special PP relying on the statement of objection filed today submits



that if the petitioner is released on anticipatory bail, he may take his official position to influence witnesses and tamper the documents which would come in the way of investigation. Hence, sought to dismiss the petition.

6. Having considered the rival submissions, perused entire record placed along with the petition and the objections filed by the Karnataka Lokayukta.

7. As per learned Senior counsel, Section 13 prescribes that the offence of misconduct said to be committed by the public servant, provided the ingredients in (a) and (b) mentioned as sub section(1) are satisfied. In the case on hand, the allegations are irregular maintaining of records and the certain details were not stated in the notes. As such, the ingredients of Section 13(1) are not complied.

8. However, Sri. Gourish Khashampur submits that while granting anticipatory bail, the compliance of ingredients under Section 13 cannot be considered and



looked into as the same amounts to considering the prosecution case on merits.

9. Upon consideration of submission, this Court is of the opinion that the petitioner being a government servant would be available to the investigation as and when he is called by the investigation agency.

10. The apprehension that the witnesses will be influenced could be saved by imposing stringent conditions. The allegation made against the petitioner requires a full fledged trial. However, without expressing anything on merits, the petitioner is admitted to anticipatory bail. Accordingly, following order is passed:

ORDER

The petition is ***allowed***.

The respondent - Police are directed to release the petitioner on bail in the event of his arrest in Crime No.17/2025 registered by Lokayukta P.S. Kalaburagi for the offences punishable under Section 13(1)(a) R/w



Sec.13(2) of Corruption (Amendment) Act 1988 and Sec. 409, 420, 467, 471 of IPC pending on the file of Principal District & Sessions Judge at Kalaburagi, subject to the following conditions:

1. The petitioner shall appear before the Investigating Officer within 15 days from date of receipt of copy of this order. The Investigating Officer is directed to release the petitioner on bail on his executing a personal bond for a sum of Rs.1,00,000/- with two sureties for the like sum to the satisfaction of the Investigating Officer;
2. The petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons;
3. The petitioner shall not tamper with the prosecution witnesses and he shall cooperate with the police for investigation



and appear before them whenever called upon.

4. The petitioner shall co-operate with investigation and appear before the Investigating Officer as and when summoned in that regard, which shall be on any day between 8:00 a.m to 6:00 p.m.
5. The petitioner shall not leave the jurisdiction without prior permission of the concerned Court.

Sd/-
(T.M.NADAF)
JUDGE

SDU,SMP
LIST NO.: 1 SL NO.: 15
Ct;vk