

KABC010342032025



**IN THE COURT OF LVIII ADDL. CITY CIVIL &
SESSIONS JUDGE, BENGALURU CITY (CCH-59)**

DATED THIS THE 29th DAY OF JANUARY, 2026

PRESENT:

Sri. JAYAPRAKASH A, B.A.L., LL.M.,
LXVI Addl. City Civil & Sessions Judge,
C/c LVIII Addl. City Civil & Sessions Judge,
Bengaluru.

CRL.MISC.No.11741 / 2025

PETITIONERS:

- 1.** Sri. Mahantesha Devappa
Narwade,
Aged about 50 years,
S/o. Mr.Devadas,
R/at Flat No.B-304,
Lilium Gardenia, 2nd Cross,
BDS Layout, Dr.Shivaram
Karanth Nagar Post, R.K.Hegde
Nagar, Bengaluru-560 077.
- 2.** Sri. Abhishek Hiremath,
Aged about 34 years,
S/o. Umashankar Shrikantayya
Hiremath,
R/at Flat No.A-207, Lilium
Gardenia, 2nd Cross, BDS Layout,
Dr.Shivaram Karanth Nagar Post,
R.K.Hegde Nagar,
Bengaluru-560 077.

3. Sri.Deepak P.M.,
Aged about 50 years,
S/o. C.K.Mahadevan,
R/at Flat No.B-204, Lilium
Gardenia, 2nd Cross,
BDS Layout, Dr.Shivaram
Karanth Nagar Post, R.K.Hegde
Nagar, Bengaluru-560 077.
4. Smt.Kavyashree A,
W/o. Kartheek Y.V.,
Aged about 38 years,
R/at Flat No.B-306, Lilium
Gardenia, 2nd Cross,
BDS Layout, Dr.Shivaram
Karanth Nagar Post, R.K.Hegde
Nagar, Bengaluru-560 077.
5. Sri.Manjunath,
Property Manager,
S/o. Venkatesh,
Aged about 37 years,
At Lilium Gardenia, Office
No.20/3, 1st Floor, Tech
Mahindra Road, Electronic City,
Bengaluru-560 100.
(By Sri.J.Sathishkumar, Adv.)

AND :

Respondent:

State of Karnataka,
By **Sampigehalli Police
Station**, Bengaluru.

(By Learned Public Prosecutor)

ORDER

This petition is filed by the petitioners under Section 482 of BNSS praying for an order to grant anticipatory bail and direct the respondent Sampigehalli police station to release the petitioners on bail in the event of their arrest in Cr.No.455/2025 for the offences punishable under Sections 189(1)(c), 189(1)(d), 270, 308, 324, 351 and 352 of BNS.

2. It is the contention of the petitioners that, they are the office bearers of the association. The apartment owners have refused to pay maintenance to the association, hence, association could not bear the cost. In spite of repeated reminder to pay the maintenance, the informant did not pay the same. Hence, water service provider stopped supplying water and for the entire apartment owners had to suffer on account of the same. However, water supply was never stopped as alleged by the informant and petitioners have not entered the premises of the informant to stop water. They have been assigned with the responsibility of office bearers, they have demanded the payment through the association and representing the association. Instead of paying the

same, as a counter blast, complainant had filed PCR against the petitioners only to harass them. All the services like lift, water, electricity, security and housekeeping (cleaning of common areas and parking areas inclusive of defaulters) have been provided inspite of huge dues from the informant. The petitioners were part of the management committee and they were doing a job without being paid any money, spending their personal time for the benefit of the members. However, even after obeying High Court order and forming association under KAOA 1972, these defaulters are targeting the management committee members by misguiding them and forcing them to form new association under 1959 Act, via emails which is in turn contempt of Court. A civil suit is pending and the Court has directed to pay the maintenance. Now, the association has no choice but to disconnect the water if money is not paid. Now, the petitioners are no longer serving as office bearers. The petitioners are respectful and law abiding citizen. They are entirely innocent. The petitioner undertakes to present before the Police / Court as and when required. They are ready and willing to abide by the conditions that may be imposed by this Court and to

furnish surety to the satisfaction of this Court. On these grounds, the petitioners pray to allow the petition.

3. The notice of this petition is given to the learned Public Prosecutor on behalf of the respondent Police and the learned public prosecutor has filed objections to the petition along with the report of Investigating Officer submitting that, the petition is not maintainable either in law or on facts of the case. Cr.No.455/2025 is registered against the petitioners for the offences punishable under Sections 189(1)(c), 189(1)(d), 270, 308, 324, 351 and 352 of BNS. The contentions of the petitioners put-forth in the petition are false. There are chances of petitioners absconding if they are released on bail. If the anticipatory bail is granted, there are chances of the petitioners harassing the defacto complainant. Hence, for the reasons mentioned in the objections, the learned public prosecutor has prayed for dismissal of the petition.

4. Heard the arguments of the learned counsel for the petitioners and the learned Public Prosecutor on the petition. Perused materials on

record. On going through the materials, the points that arise for my consideration are:-

1. *Whether the petitioners have made out sufficient grounds for grant of anticipatory bail as sought for ?*

2. *What order?*

5. After hearing the arguments of both the parties and on considering the relevant materials on record, my findings on the above points are as hereunder.

Point No.1:- In the **Affirmative**,

Point No.2:- As per final order
for the following:

REASONS

6. **Point No.1:-** The case emanates from the first information statement of Sri.Pradeep Kumar Shapeti S/o. B.S.Shapeti. It is alleged that, the informant is the owner of the Flat No.007, Block-B, Liliun Gardenia, 2nd Cross Road, BDS Layout, Dr.SRK Nagar, R.K.Hegde Nagar, Bengaluru-560 077. The informant has purchased the flat by paying premium amount to M/s.Dhammanagi Developers, but the developer has cheated by handing over possession of the flat while the entire project is incomplete. It is

further alleged that, the petitioners along with developer have formed an illegal association in the name of Liliun Gardenia Apartment Owners Association claiming to be registered as per the provisions of the Karnataka Apartment Ownership Act, 1972 without consent of all other owners of the apartment complex. Despite refusal, around 66 flat owners have proceeded to execute deed of declaration by fabrication and by fraud before the KR Puram Sub-Registrar, Bengaluru. Subsequent to registration, the office bearers of the self-claimed illegal association have been demanding exorbitant money on the pretext of maintenance while the project is incomplete and without occupancy certificate. Being aggrieved by the same, the informant and few other flat owners have challenged the deed of declaration in O.S.No.3143/2024 before CCH-25, which is pending adjudication. On 12.01.2025, the petitioners without following due process of law have taken law into their hands along with Mr.Praveen Soglad and Mr.Rohit and few other flat owners have trespassed into the private property of the informant and have caused mischief and intimidation by disconnecting water supply to the flat of the informant. The informant and

other aggrieved persons called Hoysala and raised complaint, despite the Police having come to the premises, refused to stop their illegal activity, but they continued to disconnect the water connection. Thereafter, the informant and few others similarly placed flat owners approached the jurisdictional Police station to lodge a complaint against the accused, however, the jurisdictional police without going through the nature of the offence and impact on the informant mechanically issued endorsement stating that the issue involved is of the civil nature. Hence, being aggrieved by the action of the Police, PCR came to be registered.

7. The contention of the petitioners is that, they are innocent of the offences alleged against them and not committed any offences as alleged in the Complaint. The petitioners have produced copy of Complaint and F.I.R. It can be gathered from the objection statement filed by the learned PP that investigation of the case is under progress. Therefore, it is not desirable on the part of this court at this stage to come to a conclusion that the petitioners are innocent of the offences alleged against them and hence, any of the contention of the petitioners that

they are innocent of the offences alleged against them does not merit consideration at this stage.

8. In so far as nature of offence is concerned, even if it is accepted for the sake of arguments that there is prima facie case against the petitioners for the alleged offence, the said offences are not punishable with death or in alternative imprisonment for life. Therefore there are no grounds to reject the application filed by the petitioners for grant of anticipatory bail.

9. The cause title of the petition indicates that petitioners are the residents of Bengaluru and residing in Liliun Gardenia Flats at RK Hegde Nagar. The said aspect indicates that, the petitioners are the residents of Bengaluru and they have got permanent place of abode. Under these circumstances, there are no chances of their absconding.

10. The objections statement filed by the learned Public Prosecutor does not indicate any criminal antecedents against the petitioners. Further, there is no material forthcoming from the respondent police to show that, there is any special ground made out by them to deny anticipatory bail to

the petitioners. Therefore, there are no grounds to reject the application filed by the petitioners. On perusal of the FIR it indicates that, the petitioners and the defacto complainant are residing in the Lilium Gardenia flats and the petitioners are the office bearers of the association of flat owners. There appears to be misunderstanding in connection with payment of maintenance amount between them. Therefore, it is just and proper to grant anticipatory bail to the petitioners.

11. It is the apprehension of the learned public prosecutor that the petitioners may flee away from justice. Any such apprehension and contentions put forth in the objections can be suitably met with by imposing proper and necessary conditions on the petitioner while granting anticipatory bail. As mentioned herein above, there is absolutely no special ground made out by the respondent police to reject the petition filed by the petitioner seeking anticipatory bail. The investigation of the case is completed and charge sheet is filed. In the circumstances the petitioner has made out sufficient grounds for grant of anticipatory bail as prayed for. Consequently, point No.1 is answered in the **Affirmative**.

12. Point No.2:- From the discussion made herein above, it is clear that this petition deserves to be allowed. In the result I proceed to pass the following:-

ORDER

The petition filed by the petitioners under Section 482 of BNSS is hereby allowed.

The respondent Police is directed to release the petitioners on bail on their executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with one surety each for the like sum to the satisfaction of the respondent police in the event of their arrest in Crime No.455/2025 of respondent Sampigehalli Police Station for the offence punishable Under Sections 189(1)(c), 189(1)(d), 270, 308, 324, 351 and 352 of BNS, subject to the following;

CONDITIONS

1. The petitioners shall appear before the concerned IO within 15 days from the date of this Order without fail.

2. The petitioners shall regularly appear before the concerned Court as and when called for.
3. The petitioners shall not commit similar offences.
4. The petitioners shall not tamper with the prosecution witnesses in any manner.
5. The petitioners shall furnish valid address proof before the Investigating Officer.

If the petitioners violate any of the conditions of bail during the pendency of the case, the bail granted shall stand canceled.

*(Typed to my dictation by the Stenographer Grade-III directly on computer, corrected by me and then pronounced in open Court on this **the 29th day of January, 2026**)*

(Jayaprakash A)

LXVI Addl. City Civil & Sessions Judge,
C/c LVIII Addl. City Civil & Sessions Judge,
Bengaluru.