

KABI010019262026



**IN THE COURT OF I-ADDITIONAL DISTRICT &
SESSIONS JUDGE AT BALLARI**

DATED THIS THE 6th DAY OF JUNE, 2026

: PRESENT :

Sri. H.A. Mohan, **B.A.L., LL.B.**,
I-Addl. District & Sessions Judge, Ballari

CRIMINAL MISCELLANEOUS No.451/2026

PETITIONER/ Accused No.2 :-

Mallappa S.K.
S/o Shivappa,
Aged about 32 Years,
R/o Kumbara Oni,
Govt. Middle School,
Kavitala Road, Sunknoor,
Markamdinni, Raichur-584 120.

(By Ms. B. Nagarathna., Advocate)

//Vs//

RESPONDENT :-

The State by the S.H.O.,
CEN (Cyber Economic Narcotics) Police
Station, Ballari.

(By Public Prosecutor, Ballari)

ORDER

This is a petition filed by the petitioner/accused No.2 under Section u/Sec.482 of B.N.S.S., 2023 in Crime No.17/2026 of Cyber Economic Narcotics police station, Ballari, for the offences punishable under Sections 66(D) and 66(C) of Information Technology Act, 2008 and 318(3) of the Bharatiya Nyaya Sanhita (B.N.S.) 2023, seeking grant of anticipatory bail, in the event of his arrest pertaining to that crime.

2. It is stated that, the petitioner is nothing to do with the alleged misusing of amount of Rs.25,40,075. Even though the petitioner knew accused No.1, but he was only a facilitator to sell two wheeler vehicles and he has not handled the finance in the showroom at any point of time. But, a false complaint has been filed by falsely implicating this petitioner also.

3. It is further stated that, there is inordinate delay in filing the complaint by the complainant. Accused No.1 has already been enlarged on bail. But, he is having

threat of arrest. The alleged offences are not punishable with death or imprisonment for life. He is ready to co-operate with any type of investigation. He is ready to abide by any of the conditions that may be imposed. Accordingly, prayed to allow the petition.

4. This petition is resisted by learned Public prosecutor by filing the objections. It is stated that, the petitioner along with accused No.1 has misappropriated the funds of complainant. They have committed criminal breach of trust and misappropriated funds and hence, it is a serious offence. The petitioner has not co-operated for investigation. Therefore, he is not entitled for anticipatory bail. Accordingly, prayed to reject the petition.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

6. The following points that arise for my consideration:

1. Whether petitioner has made out grounds for granting anticipatory bail?

2. What order?

7. My answer to the above points are as under:

Point No.1: In the affirmative.

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

REASONS

8. **Point No.1** :- After having heard both sides, I have perused the records. It is seen that main allegation has been made against accused No.1 with regard to misappropriation of funds. How this petitioner has assisted accused No.1 with regard to misappropriation of funds, has not been properly explained. Nothing to be recovered from this petitioner. That apart, main accused No.1 has already been enlarged on anticipatory bail in Crl. Misc.220/2026 on 24.3.2026. Therefore, on the ground of parity, this petitioner also shall be enlarged on anticipatory bail by imposing some stringent conditions. Accordingly, I answer the above point in the Affirmative.

9. **Point No.2** :- In the result, I proceed to pass the following :

ORDER

The petition filed by the petitioner/Accused No.2 U/Sec.482 of BNSS, 2023, is hereby allowed.

The respondent police shall release the petitioner/accused No.2 on bail in the event of his arrest in Crime No.17/2026 of Cyber Economic Narcotics Police Station, Ballari for the offences punishable U/Sec.66(D), 66(C) of Information Technology Act, 2008 and U/Sec.318(3) of BNSS, 2023, pending on the file of learned 5th Addl.Civil Judge & JMFC, Ballari, on petitioner executing personal bond for a sum of Rs.1,00,000/- with one surety for like-sum to the satisfaction of the Learned Magistrate on the following further conditions:-

CONDITIONS

(1) The petitioner shall appear before the Investigating Officer within two weeks from the date of this order and he shall furnish all necessary information and documents to the Investigating Officer.

(2) The petitioner shall appear before the I.O., once in a week on Sunday for the period of two months or till filing of charge sheet which ever is earlier and he shall appear before the I.O., as and when called

for and he shall co-operate with investigation of the case.

(3) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or any police officer.

(4) The petitioner shall not try to destroy evidence.

(5) The petitioner shall not leave India without prior permission of jurisdictional magistrate.

(6) The petitioner shall not commit any offence of similar or any other offence in future.

Violation of any of the aforesaid terms and conditions would entitle for cancellation of bail of the petitioner.

(Dictated to the Stenographer Grade-I, transcribed & computerized by him, script corrected and then pronounced by me in the Open Court on 6th day of June, 2026)

(H.A. Mohan)

I-Additional Sessions Judge,
Ballari.

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