

KABR010025282026



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU**

Present:

Smt.B.S. REKHA., B.A.(LAW), LL.M.
Principal District & Sessions Judge
Bengaluru Rural District,
Bengaluru.

Dated this the 09th day of June, 2026.

Criminal Misc.No.1066/2026

- Petitioners:**
1. Sunil Kumar G.H.,
S/o Hole Basappa,
Aged about 34 years,
R/at: No.38, Thotada Mane,
Gulimangala, Huskur Post,
Anekal Taluk,
Bengaluru-560 099.
 2. Sandeep H.,
S/o Hole Basappa,
Aged about 32 years,
R/at: No.368,
Banashankari Beedi,
Issuru, Shikaripura Taluk,
Shivamogga District-577 214.

(By Sri Hemantha B. -Advocate)

-VERSUS-

Respondent: The State by Electronic City Police.

(By learned Public Prosecutor)

ORDER

The learned counsel for petitioners has filed this petition U/S.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter called as BNSS, 2023, for convenience) praying for anticipatory bail on behalf of petitioners in Crime No.166/2026 of Electronic City Police Station alleging the offences punishable under Ss.316(4) & 318(4) of Bharatiya Nyaya Sanhita, 2023 (hereinafter called as BNS, 2023 for convenience) on the file of learned CJM, Bengaluru Rural District, Bengaluru.

2. The case of prosecution is stated in the bail petition. It is further stated in the petition that the petitioners are entirely innocents of the alleged offences. The petitioners have not committed any

offence as alleged in the complaint. There are no ingredients to attract the offences alleged against the petitioners. Mere reading of FIR and complaint is very much clear that there is no specific date, month and year for the alleged money transaction. There is huge circular and judgments by Hon'ble High Court of Karnataka with regard to civil disputes and police have no authority to convert the civil cases to criminal cases. The petitioners are having family and aged parents. They have no bad antecedents. They hail from respectable family and are having deep roots in the society. The petitioners are ready and willing to abide by the terms and conditions imposed by this court. The petitioners are ready to offer surety to the satisfaction of this court. Hence, prayed for allowing the bail petition.

3. The Learned Public Prosecutor has filed objections to the petition, wherein she has narrated the

entire facts of case in short and contended that IO has visited the spot and conducted spot panchanama and the statements of witnesses is yet to be recorded. Since from the date of incident, the petitioners are absconding. Even though notice under S.35(3) of BNSS, 2023 is served to the petitioners, they have not appeared before the Investigating Officer and are not cooperating for investigation. There is *prima-facie* case against the petitioners. If petitioners are granted with anticipatory bail, there is every chance of tampering with the witnesses, hampering the investigation and committing similar offences. Hence, prayed for rejection of bail petition. IO report is furnished, along with objections,.

4. Heard arguments of both sides.

5. The learned counsel for petitioners has relied upon the following citations:

1. Crl. Petition No.58/2025 between N. Sanjay lps V/s. The State of Andhra Pradesh

2. (2021) 15 Supreme Court Cases 588 between Sumedh Singh Saini V/s. State of Punjab and Another.

3. Crl. Petition No.5995/2025 between Sri Priya B.N. V/s. State of Karnataka, By Surathkal police station.

4. Crl. Petition No.2635/2026 between M. Muniraju V/s. State of Karnataka, By CCB police station and Another.

6. From the above facts, the points that arise for consideration are:-

1. Whether the petitioners are entitled for anticipatory bail?

2. What order?

7. Findings of this Court on the above points are as under:-

Point No.1: In **Affirmative**;

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

REASONS

8. **Point No.1**:- On 21.05.2026, at 7.40 p.m., complainant by name Rahul Bhalla has lodged the

complaint, which is registered in Crime No.166/2026 alleging the offences punishable under Ss.316(4) & 318(4) of BNS, 2023.

9. It is stated in the complaint that the complainant is running a Subway restaurant at the Infosys Campus, Electronic City, Gate No.47 Food Court. The said restaurant belongs to the complainant's company, Subsouth Foods LLP. In the said restaurant, Sunil Kumar and Sandeep (present petitioners) are working as Managers since 2017. Since from 3-years, the petitioners are providing their own QR code to customers and transferring the money paid by the customers into various personal accounts. Further, the petitioners have not issued bills to the customers and used to provide fake stock documents. At the time of audit, the complainant came to know about the petitioners transferring the money into their personal accounts. The petitioners have gradually transferred an

estimated amount of ₹.25,00,000/- into their bank accounts. Hence, the complaint to take legal action against the accused.

10. The offences alleged against petitioners is punishable under S.316(4) & 318(4) of BNS, 2023. Since the offences alleged against the petitioners are non-bailable in nature, they are having apprehension of their arrest, which appears to be genuine.

11. The petitioners have submitted that the customers paid the bill through online and e-payments. There was daily audit in the restaurant and entire payments are sent to company account and there is no chance for the petitioners to receive the amount to their personal accounts. The incident is said to have been taken place between 01.01.2023 to 23.04.2026. But, the complaint is registered on 21.05.2026. Whether the petitioners have committed the alleged offences or not

is a matter to be adjudicated at the time of full-fledged trial.

12. The alleged offences are not punishable with either death sentence or imprisonment for life.

13. However, as the petitioners are ready to abide by the terms and conditions that may be imposed by this Court for their release, the apprehension of learned Public Prosecutor that tampering and threatening prosecution witnesses, commission of similar offences and abscondence of petitioners could be safeguarded by imposing suitable conditions. Hence, this Court holds that petitioners are entitled for anticipatory bail. Accordingly, the **point No.1** is answered in the ***Affirmative***.

14. **Point No.2:-** In view of findings on point No.1, this Court proceeds to pass the following:-

O R D E R

The bail petition filed under Section 482 of BNSS, 2023 is hereby ***allowed***.

Anticipatory bail is granted to the petitioners. The respondent-Police is hereby directed to release the petitioners on bail in the event of their arrest for the offences punishable Ss.316(4) & 318(4) of BNS, 2023 registered in Crime No.166/2026 of respondent police i.e., Electronic City Police Station, Bengaluru Rural District, subject to following conditions:-

1. The petitioners shall execute personal bond for a sum of ₹.1,00,000/- (Rupees One Lakh only) each with a surety for like-sum to the satisfaction of concerned Magistrate Court/arresting authority.
2. They shall not threaten or tamper with the prosecution witnesses directly or indirectly.
3. They shall not commit similar offences.
4. They shall appear before Investigating Officer, as and when called for investigation during the reasonable hours of the day.

5. They are hereby directed to appear before the concerned Magistrate within the period of 30 days from the date of this order to execute the personal bond and surety bond and also appear before the Investigating Officer.

If any of these conditions are violated, then the bail bond will be automatically cancelled.

(Dictated to the Stenographer transcribed and typed by her, corrected, print out taken, signed and pronounced by me in the open Court on this the 09th day of June, 2026)

(B.S. REKHA)

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.