

KABR010024312026



**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 17th day of June, 2026

Criminal Misc.No.993/2026

Petitioners:

1. Venkatesh,
S/o Subbannachar,
Aged about 64 years,
R/at: No.36/48,
Sapthagiri Nilaya,
1st Main, 8th Cross,
Raghavendra Nagara,
Andrahalli Main Road,
Bengaluru-91.
2. Vijay, S/o Raghavendra,
Aged about 31 years,
R/at: No.36/48,
Sapthagiri Nilaya,
1st Main, 8th Cross,
Raghavendra Nagara,
Andrahalli Main Road,
Bengaluru-91.

3. Girija, W/o Venkatesh,
Aged about 58 years,
R/at: No.36/48,
Sapthagiri Nilaya,
1st Main, 8th Cross,
Raghavendra Nagara,
Andrahalli Main Road,
Bengaluru-91.

(By Sri. Vegananda S.-Advocate)

-VERSUS-

Respondent: The State by Byadarahalli Police.

(By learned Public Prosecutor)

O R D E R

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.52/2026 of Byadarahalli Police Station alleging the offences punishable under Ss.316(2), 318(4), 351(2), 352 R/W. S.3(5) of Bharatiya Nyaya Sanhita, 2023 (hereinafter called as BNS, 2023 for convenience) on the file of learned Chief Judicial Magistrate, 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 have not committed any offences as alleged in the FIR and they are innocents and law abiding citizens. The entire contents of the complaint are all false and are created for the purpose of implicating the petitioners in criminal case. There is inordinate delay in lodging the complaint. The complainant has not satisfactorily explained the reasons for the said delay. There is long standing ill-will between the petitioners and the family of the complainant. The petitioners hail from respectable family and are having deep roots in the society. There are no bad antecedents against the petitioners. The alleged offences are not punishable with death or imprisonment for life. The petitioners are ready and willing to offer surety to the satisfaction of this court. The petitioner are ready to abide by the conditions imposed by 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 already investigation is commenced. The petitioners are absconding from the date of incident. There is prima-facie case against the petitioners. The grounds urged in the petition is not maintainable. 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. Along with objections, IO report is furnished.

4. Heard arguments.

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

1. Whether the petitioners are entitle for anticipatory bail?

2. What order?

6. 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:-

R E A S O N S

7. **Point No.1**:- One Smt. Vijayalakshmi Venkata Raghavan has lodged the complaint on 28.03.2026 at 5.15 p.m., which is registered in Crime No.254/2026 alleging the offences punishable under Ss.316(2), 318(4), 351(2)R/W. S.3(5) of BNS, 2023.

8.1. It is stated in the complaint that the complainant is residing along with her family members. Since from 8 years, one Venkatesh (present petitioner No.1) along with his wife-Girija (present petitioner No.3) and his son-Vijay (present petitioner No.2) are residing in the neighbouring house of the complainant and they used to visit the house of the complainant often. On 05.02.2025 at about 11.00 a.m., the petitioners came to the house of the complainant and

told that petitioner No.2 had incurred loss in a business and they are not having any money with them. They should sell their house or that they have to consume poison and die and hence, asked the complainant to help the financially and they would return the amount within 10 days. The petitioners also told the complainant not to inform about the same to her family members. At that time, the complainant told that she is not having any cash with her and gave them 200 grams of gold jewels and the petitioners have taken the same.

8.2. It is further alleged that after 10 days, when the complainant asked the petitioners to return her 200 grams of gold jewels, the petitioners told her that they had used the same for the business of petitioner No.2 and asked the complainant to give some more amount or otherwise, they would tell about the same to her husband. On 10.03.2025 at 7.00 p.m., the petitioner No.1 has taken 178 grams of gold of the complainant in

his house. Thereafter, the complainant had also given ₹.2,00,000/- cash to petitioner No.1 in the same month and during April, the petitioners had again taken 200 grams of gold jewels from the complainant. Whenever the complainant asked the petitioners to return her jewels, the petitioners stated that they have not taken any jewels from her and asked the complainant to do whatever she wants.

8.3. It is further alleged that on 06.12.2025 at 7.00 p.m., the complainant went near the house of the petitioners and asked them to return her jewels. At that time, the petitioners have abused the complainant in filthy language and threatened her and told that they had pledged 578 grams of gold jewels taken from the complainant at Muthoot Finance and Ashirvad Gold Company and have used the amount for their business. The petitioners have taken 578 grams of gold and ₹.2,00,000/- cash from the complainant and are not returning the same and the petitioners are abusing the

complainant in filthy language and threatening her for her life. Hence, the complaint to take legal action against the accused.

9. The offences alleged against petitioners are punishable under Ss.316(2), 318(4), 351(2), 352 R/W. S.3(5) 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. The alleged offences are not punishable with either death sentence or imprisonment for life.

10. It is the contention of the complainant that the petitioners being her neighbours went to her house on 05.02.2025 and requested her to help or otherwise, they are in a position to die and thereafter, as they promised to return the amount within 10 days, this complainant without informing her husband, initially had given 200 grams of gold and once again, when the petitioners have not returned after 10-days

even when the complainant demanded and on the request of the petitioners, she has given 378 grams of gold periodically and they have also taken amount from her. The complainant has alleged that when she went to request to return the gold and the amount, they have caused life threat.

11. However, the allegations of the prosecution is that these petitioners had cheated the complainant by saying that they are going to return the money and had also taken gold ornaments from her, but, they have not returned the same.

12. The complainant had entered in appearance in this case and specifically stated in detail in her objections that though there are no materials to show the handing over of jewels to the petitioners, but, the receipts are there. She has stated in detail about the articles i.e. 300 grams and 165 grams was recovered.

The total value of the gold of 578 grams is ₹.86,70,000/-.

13. It is the contention of the complainant that accused No.1 is the retired government servant i.e. he was the Sub-Inspector and by believing the words of the accused, she had given money and gold. It is also alleged that the Investigating Officer and the petitioners are hand-in-glove and that if the bail is granted, they will destroy the documents and there will be threat to the life of the complainant.

14. However, the complainant has specifically stated that she had proximity and trust as they were neighbourers and they did emotional blackmail of committing suicide. When the complainant has given 200 grams of gold to the petitioners and when they were not returning the said gold, what made this complainant to give additional 378 grams of gold is a

matter to be investigated and why she believed them is also to be taken into consideration.

15. Further, the learned counsel appearing for the complainant has vehemently argued that if at all, this case was not considered strictly, this tendency will continue. However, the allegations are that the petitioners have induced the complainant to hand over 578 grams of gold and how and why the complainant believed them is to be considered during investigation and trial. Now, as the offences are not punishable with death or imprisonment for life, the court without any other go has to grant bail.

16. Furthermore, the petitioners are ready to abide by the terms and conditions that may be imposed by this Court for their release. Therefore, 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. Therefore, this Court holds that petitioners are entitled for anticipatory bail. Accordingly, the **point No.1** is answered in the ***Affirmative.***

17. **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 offence punishable S.316(2), 318(4), 351(2), 352 R/W. S.3(5) of BNS, 2023 registered in Crime No.52/2026 of respondent police i.e., Byadarahalli Police Station, Bengaluru Rural District, Bengaluru subject to following conditions:-

1. The petitioners shall execute personal bond for a sum of ₹.50,000/- 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 17th day of June, 2026)

(B.S. REKHA)

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