



Dated 19th Day of June 2026

SMT. NIRMALA .K, B.A. M.L.,
IV Additional District and Sessions Judge,
Doddaballapura, Bengaluru Rural District.

PETITIONERS : 1) **Sri. Banu Prakesh B.L. -Accused No.1**
S/o. Late Lakshminarayanappa
Aged about 36 years

2) **Sri. Chetan Kumar B.L. - Accused No.2**
S/o. Late Lakshminarayanappa
Aged about 33 years

3) **Sri. Diwakar B.L. - Accused No.3**
S/o. Late Lakshminarayanappa
Aged about 30 years
All are R/at. Byrasandra Village
Madhure Hobli
Doddaballapura Taluk
Bengaluru Rural District

V/s

RESPONDENT : State by **Doddaballapura**
Rural Police Station
(Rep. by Public Prosecutor)

ORDERS ON ANTICIPATORY BAIL PETITION

FILED U/SEC.438 OF Cr.P.C.

This petition is filed under Section 438 of Cr.P.C. praying to grant bail in C.C.No.1900/2020 registered by respondent-police for the offences punishable under Section 120-B, 420, 465, 458 and 471 R/w. Section 34 of I.P.C. against the petitioners / accused no.1 to 3.

2. BRIEF FACTS:

It is the case of complainant that, land bearing Sy.No.18, measuring 4 acre 22 guntas out of which, 3 acre 2 guntas of Byrasandra Village was acquired through their ancestors and 01 acre 20 guntas was purchased by late Lakshminarayanappa under registered sale deed dated 25.01.1973. Katha of the property stood in the name of petitioners' father Lakshminarayanappa. Complainant and father of petitioners entered into partition deed dated 08.01.1985 and they are in possession of their respective shares. While changing katha based on the sale deed in favour of Lakshminarayanappa error was committed by the revenue officials. So, complainant had filed R.A.No.262/2018 before Assistant commissioner. Further petitioners have entered into agreement of sale

with accused no.4 and regarding this O.S.No.9/2013 is filed which was ended in compromise and Execution 12/2013 is filed. Complainant alleges that the accused persons have cheated the complainant by creating false documents and sold the property in favour of accused no.4. Hence, the complaint.

GROUND FOR ANTICIPATORY BAIL:

3. The petitioners submit that, they are innocent and they have not committed any such alleged offences. They are falsely implicated in the above case. The petitioners further submit that, dispute is mainly civil in nature. Partition deed is created document. Admittedly, Sy.No.18, measuring 1 acre 20 guntas of Byrasandra Village is the self-acquired property of petitioners' father. But, complainant has created the partition deed. In this regard there is civil suit in O.S.No.730/2026 for the relief of partition and declaration. They have not involved in forging the document. Alleged offences are neither punishable with death nor imprisonment for life. Investigation is already completed and police have filed charge-sheet in C.C.No.1900/2020.

4. Further, petitioners are the permanent residents of the given address having both movable and immovable properties. They are not having any criminal antecedents and they are not not habitual offenders. They undertake to abide by the conditions that would be imposed by this court since there are no prima-facie materials against the petitioners. They pray to allow the bail petition.

OBJECTIONS:

5. On the other hand, in pursuance of court notice, learned Public Prosecutor entered appearance and filed his objections statement along with I.O. report reiterating the charge-sheet averments and further submit that, the alleged offences are neither punishable with death nor imprisonment for life. The I.O. has already submitted the charge-sheet against the accused persons for the alleged offences. If the petitioners are released on bail, they would tamper the prosecution witnesses and they may abscond. They are politically and economically influential. They may also involve in committing similar offences. The alleged offences are grievous in nature and non-bailable in nature. Since there are sufficient materials available against the petitioners. Hence, he prays for rejecting the bail petition.

6. Heard **arguments** on both sides and perused the materials on record.

7. From the above facts following **points arise for my consideration:**

1. Whether the petitioners / accused no.1 to 3 have made out sufficient grounds for grant of anticipatory bail under Section 438 of Cr.P.C. as prayed for in the petition?

2. What order?

8. My **findings** on the above points are as follows:

Point No.1	:	In the Affirmative .
Point No.2	:	As per final order, for the following;

REASONS

9. **Point No.1:-** Defacto complainant alleged that petitioners and accused no.4 have created and forged the documents in order to cheat the complainant and they have conspired together against him. On the other hand, petitioners submit that they are innocent and they have not committed any such alleged offences. Admittedly, it is seen that there is civil case pending between both the parties. Complainant state that there is partition in respect of land bearing Sy.No. 18. But, petitioners contend that property is self-acquired property of their fathr and partition deed is concocted. The allegations are mainly based on documents. Therefore, whether the petitioners have really forged the documents in order to cheat the complainant or not has to be decided at the time of full-fledged trial.

10. As of now, it is seen that the dispute is mainly civil in nature. The alleged offences are neither punishable with death nor imprisonment for life and are triable by the court of Magistrate. Further, petitioners are the residents of given address. So, question of fleeing away from jurisdiction of the court is very remote. There are no bad criminal antecedents against the petitioners. More over it is not the case of the

prosecution that they are habitual offenders. When such being the case, if bail is denied then it will affect the personal liberty of the petitioners. If they are detained in custody it will amount to pre-trial conviction. The investigation has been completed and the I.O. has submitted the charge sheet against the accused persons. The apprehension of the prosecution can be met with by imposing reasonable conditions. Though the charge-sheet was filed long back in the year 2019-20 petitioners have not received the summons. Copy of order sheet is produced, wherein, there is no entry that summons to the accused re served. Therefore, the contention of petitioners that they came to know about the case recently has to be believed. More over, the petitioners have undertaken to abide by any conditions that would be imposed by this court. Therefore, taking into consideration the principle that 'bail is a rule and jail is an exception' and striking a perfect balance between the personal liberty of petitioners and societal interest. I am of the opinion that the petitioners are entitled for bail in the interest of equity and justice. Accordingly, I answer above point No.1 in the **Affirmative**.

11. **Point No.2:-** For the foregoing reasons, I proceed to pass the following :-

ORDER

Anticipatory bail petition filed by the
petitioners / accused No.1 to 3 under Section
438 of Cr.P.C. is hereby allowed.

Consequently, the Petitioners /accused No.1 to 3 are ordered to be released on bail in C.C.No.1900/2020 of Doddaballapura Rural Police Station on their executing personal bond for a sum of Rs.1,00,000/- and with one surety for like-sum to the satisfaction of the concerned court on the following conditions:

1. The petitioners shall appear before the court and in that event concerned court to take bond and to release them.
2. They shall appear before court regularly when and extend fullest co-operation in the disposal of case.
3. They shall not give threat to the prosecution witnesses in any manner.
4. They shall not indulge in similar offences in any manner.

In case of any violation of above bail conditions, prosecution is at liberty to apply for cancellation of the bail.

(Dictated to the Stenographer, transcribed and computerized by her and transcript corrected by me and then pronounced in open Court on this the **19th day of June, 2026.**)

(NIRMALA .K.)

IV Addl. District & Sessions Judge
Doddaballapura