

KACB010008442026



**IN THE COURT OF THE III ADDL. DISTRICT & SESSIONS
JUDGE, CHIKKABALLAPURA.**

PRESENT

SHRI. SIDDANNA B.HANDRAL.
B.Sc., LL.B(Spl)
III Addl. Dist. & Sessions Judge,
Chikkaballapura

DATED THIS THE 10th DAY OF JUNE, 2026

Criminal Misc. No. 266/2026

PETITIONER : Sri. Naveen P.C.,
S/o Chandre Gowda,
Aged about 35 years,
R/at #64, Bypass road,
Doddamandiganahalli,
Hassan Taluk,
Kandali.

(Accused No.1)

(By Sri. M.S, Advocate)

Vs.

RESPONDENT : The State of Karnataka.
Rep.by, Peresandra Police.

(By Learned Public Prosecutor)

ORDER

The petitioner/accused No.1 has filed the bail petition under Section 482 of BNSS seeking anticipatory bail in the event of his arrest in connection with Peresandra P.S. in Cr.No.82/2026 registered for the offence punishable under Sections 318(4) of BNS.

2. It is contended by the petitioner/ accused No.1 in his petition that, petitioner is innocent of the alleged offences, the complainant has lodged this complaint with an intention to trouble and harass the petitioner. Petitioner is running a Potatoes business in the name Pushpa Traders. The petitioner is ready to abide any conditions that may be imposed by this court. He is the only earning member of the family having wife and children and nobody is there to look after them except the petitioner. He is having deep roots in the society hence, fleeing from the justice will not arise. The respondent police have registered a case against the petitioner and trying to arrest the petitioner hence he has got reasonable apprehension that he will be arrested by the police, hence moving this petition. If the petitioner has not granted with the bail, the family members will be put to great hardship and trouble. He will abide by the conditions that may be imposed by this court. Hence, prayed to allow the petition by granting bail to him.

3. On registering the petition, notice was issued to the respondent Police, the learned P.P. appeared on their behalf and filed objections to the petition by reiterating the complaint

averments contending that, the investigation is still in progress. from the materials collected prima faice, petitioner has involved in the alleged offences, and the petitioner is politically and economically influential person. At this stage if the petitioner is released on bail, he may abscond hampering the trial and may threaten the prosecution witnesses and may commit similar offences. Hence, prayed to dismiss the bail petition.

4. Heard the arguments of the learned counsel for the petitioner and the learned Public Prosecutor.

5. Now the following points would arise for consideration of this court;

1) Whether the petitioner/accused No.1 has made out grounds to grant anticipatory bail as prayed in the petition?

2) What order?

6. Findings to the above noted points are as under;

Point No.1: In the NEGATIVE.

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

REASONS

7. **Point No.1:** It is the case of prosecution that, the complainant had contacted the accused by name Naveen from Hassan through a mediator by name Andanappa of Kolar to

buy Potatoes for the farmers of his area by relying the accused he transferred an amount of Rs. 2,50,000/- on 04.11.2025 to the account of accused and also transferred an amount of Rs. 2,00,000/- on 06.11.2025 to the account of the accused through his bank account and also paid an additional amount of Rs. 5000/-, through bank account believing that a lorry would arrive soon to fetch the potatoes for sowing. It is further alleged that, the complainant kept waiting for the arrival of the lorry, however the accused did not sent any potatoes to the complainant and even the complainant contacted the mediator about the sending of Potatoes but the accused threatened him and also the middlemen stating that, he will not give back the money, do whatever he want, realizing that they were being cheated by the accused, the complainant questioned the mediator he had given the money only because of his mediation but the mediator was also gave evasive replies to him, hence, the accused failed to supply the Potatoes and also return the money and caused harassment to the complainant. Therefore the complainant lodged the complaint against he accused as he was cheated by the accused and prayed to initiate legal action against the accused.

8. Based on the complaint the Peresandra Police have registered the case in their PS Cr.No. 82/2026 for the offence punishable under section 318(4) of BNSS and started investigation, at this stage the accused has filed this petition seeking grant of Anticipatory bail.

9. On careful perusal of the materials placed before the court it appears that the alleged offence is not exclusively punishable with death or imprisonment for life and is triable by the learned Magistrate. The allegations made in the complaint would go to show that the present petitioner with an intention to cheat the complainant to supply of Potatoes has received Total amount of Rs.5 lakhs i.e., 2.5 lakh on 04.11.2025 and Rs. 2 lakh on 06.11.2025 and also received Rs. 5000/- towards fuel charges of the lorry for transportation of Potatoes dishonestly and thereafter, the complainant has not supplied the Potatoes inspite of repeated requests made by the complainant personally and through his mediator, that itself would go to show that the accused though he has received substantial amount of Rs. 5 lakh that too by way of bank transfer by promising to supply Potatoes subsequently cheated the complainant, showing clear criminal intent to cheat the complainant and the reply given by the accused to the complainant also demonstrate that accused is having intention of non returning of money to the complainant. Even it is not the case of accused that he has not received the money from the complainant through bank account, hence it goes to show that accused has received money from the complainant only with an intention to cheat him.

10. On careful perusal of the allegations made against the petitioner and report submitted by the Investigating Officer it appears that there is prima facie case made out against the petitioner that he has involved in commission of offence of

cheating and he is having habit of receiving the money from the complainant who was introduced by the middlemen by making false promise to provide Potatoes. At this stage the prosecution has produced prima facie materials to show that the petitioner had received amount from the complainant through his bank account which would goes to show that the accused has actively involved in commission of cheating to the complainant by receiving the money with dishonest intention to cheat him. The conduct of the accused in receiving of money itself goes to show that the petitioner is not a good person but with dishonest intention he has involved in cheating the persons and grabbing the money easily from the persons with an intention to lead his life by cheating the persons from whom he has received the amount. Therefore, such acts cannot be entertained by granting the bail during the stage of investigation, at this stage if the bail is granted to the petitioner, certainly there are every possibility of his absconding and destroying the prosecution evidence, since the petitioner has received money from the complainant therefore, till the investigation is completed the accused is not entitle for grant of anticipatory bail since the prosecution has produced prima facie materials to show the involvement of the petitioner in commission of the offence against him. The learned counsel for petitioner though argued that the said transaction is in respect of Potatoes through a middlemen but the accused/petitioner has already supplied the Potatoes to the complainant through the middlemen inspite of it the

complainant has filed false complaint against the accused, but no such averments or defence taken by the petitioner in the bail petition, on the contrary, it is admitted that the petitioner has received amount through bank account. Hence, on careful considering the facts & circumstances of the case, this court is of the considered opinion that the alleged offence against the accused is serious in nature and there are ample number of cases where the innocent people are being allured and cheated in the name of supply of plants or vegetables therefore, this is very serious offence which needs to be investigated thoroughly and at this juncture and atleast till the completion of the investigation the petitioner is not entitle for grant of anticipatory bail as prayed in this application, accordingly, this point is answered in the **NEGATIVE**.

11. **Point No.2:** For the foregoing reasons, this court pass the following:

ORDER

The anticipatory bail petition filed by the
petitioner/accused No.1 under Section 482 of
BNSS is hereby **DISMISSED**.

(Dictated to the Stenographer directly on the computer, printout corrected, signed/and then pronounced by me in open court on this the 10th day of June, 2026).

(SIDDANNA B.HANDRAL)
III-Addl.District & Sessions Judge,
Chikkaballapura.