KACB010008882026

IN THE COURT OF THE I ADDITIONAL DISTRICT & SESSIONS JUDGE AT CHIKKABALLAPURA

Dated this the 22nd day of June, 2026.

PRESENT :

Sri. Kantharaju S.V. ***B.A. LL.B.***
I Additional District & Sessions Judge,
Chikkaballapura

Crl. Misc.No.285/2026

Petitioners:

1. Sri. Naveen Kumar L.K.
Son of Krishnappa,
Aged about 37 years,

2. Sri. Bharath
Son of Govindappa,
Aged about 28 years,

3. Smt. Ashwini K.V.
Wife of Naveen Kumar,
Aged about 32 years,

All are residing at:
Lingashettipura Village,
Kasaba Hobli,
Chikkaballapura Taluk and District

(Rep. by Sri. Chaya Kumar, Advocate)

V/s

Respondents: **The State**
Rep. by Chikkaballapura Town Police Station. Chikkaballapura District

[By learned Public Prosecutor Chikkaballapura]

ORDER

This petition is filed under Section 482 of Bharathiya Nagarika Suraksha Sanhitha, 2023 on behalf of the petitioners/accused No.1 to 3 for grant of anticipatory bail in the event of their arrest in connection with Crime No.71/2026 of Chikkaballapura Town Police Station for the offences punishable under Sections 316(2), 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending on the file of Principal Senior Civil Judge and CJM., Chikkaballapura, in the interest of justice.

2. The learned Public Prosecutor representing the State has seriously opposed the application and has requested to reject it for the reasons stated in her written objection and I.O. Report.

3. Heard arguments from both sides. The learned counsel for the petitioners has relied upon the following decisions;

1) The judgment of Hon'ble Apex Court in (2014) 8 Supreme Court Cases 273 in the case of Arnesh Kumar Vs. State of Bihar and another.

2) The judgment of Hon'ble Apex Court in Appeal (Crl.) No.313-314 of 2000, in the case of Hridaya Rangan PD Verma and others Vs. State of Bihar and another.

3) The judgment of Hon'ble Apex Court in Appeal (Crl.) No.834 of 2002, in the case of M/s Indian Oil Corporation Vs. M/s NEPC India Limited and others,

4. The point for my consideration is;

> "Whether the petitioners/accused no. 1 to 3 have made out ground for grant of the bail as sought?"

5. The above point is answered in the **Negative** for the following;

:REASONS:

6. I have perused the records. On the strength of the complaint lodged by Rajesh Kumar Mehta of Malleshwaram, Bengaluru dated 25.05.2026 at about 6.30 p.m. alleging that he has been running a business at "Raj The Jewellers at Vaiyali Kaval, Bangalore for about 30 years. He knew Manjunatha H. and Vasu, residents of Bangalore, for about one year. They used to buy gold jewellery from them, gave it to their friends and if anyone they knew had jewellery in the banks, they would release the mortgage through him and sell it to him. In the

meanwhile, on 20-05-2026 Manjunatha H. And Vasu told him that their relative of one Suma, whom he knew, had mortgaged the Gold ornaments in Indian Bank, Chikkaballapur. They would sell them after releasing them. He can release them himself and he has agreed. Then on 21-05-2026, he, Manjunath H., Vasu and accused No.4 Suma along with him from Bangalore reached Indian Bank, Chikkaballapur in a car at around 12:00 noon. Then accused No.1 to 3 Naveen Kumar L.K., Bharath and Ashwini K.P.-petitioners herein went to the bank. When accused No.4 Suma introduced them to him, and told him that they had deposited their money in this bank and that they would sell it to him after releasing it and gave him the money they had deposited. When he believed their words and he transferred Rs.4,73,151/- from his Federal Bank account No.21980200001525 (Sadashivanagara Branch) to Bharath's Indian Bank account No.50247824800 through IMPS, Naveen Kumar L.K. transferred from Indian Bank account No.7974940741 of Rs.1,95,435/- through IMPS, Ashwini K.P. transferred Rs.10,30,707/- from Indian Bank account No.7822381796 and then Ashwini K.V. through RTGS for total amount of Rs.16,99,293/- has been transferred. After transferring of Rs.16,99,293/-, Bharath released the Jewels deposited in his name in the bank. Then Ashwini K.V. and Naveen Kumar's KYC were not updated since it was late to bring the documents to update and the bank's hours were over, the bank authority told them that they will come tomorrow. Then when he asked Bharath to gave him the Mortgaged Jewels, he said that he would release all the jewels and gave them tomorrow. Thereafter on the next day on 22.05.2026 at about 11.30 a.m. complainant, Manjunath, Vasu and accused No.4 Suma came to the said Bank and asked petitioners to come to the bank. When they waited for the said Bank, they did not come to the bank for a long time, so they inquired at the bank and Bank officials said that they had taken the jewels before they came. When they called the petitioners phone numbers, they did not pick up their calls. Thereafter, they asked accused No.4 Suma, she said that she would solve the problem. Even after so many days, she will not get their money back. Since either they have not given to the money or the Jewels, then he came to the police station and lodged the complaint belatedly. On the basis of the said allegations, the present case has been registered by the concerned Chikkaballapura Town Police Station against the petitioners along with accused No.4 for the aforesaid offences.

7. The learned counsel for the accused No.1 to 3/petitioners herein contended that, the complainant namely Rajesh Kumar Mehta lodged a complaint before the respondent police alleging that accused No.4/Suma

introduced the complainant to the petitioners for the purpose of release of pledged gold ornaments from Indian Bank situated at Vapasandra, Chikkaballapura. It is alleged in the complaint that the complainant transferred money to the bank accounts of the petitioners through IMPS and RTGS transactions for releasing the pledged gold ornaments from the bank. Further, the allegations made in the complaint are false, baseless and created only with an intention to harass and pressurize the petitioners. The entire dispute arises out of financial transactions and gold pledge dealings and the same is purely civil and monetary in nature. There was absolutely no dishonest intention from the inception on the part of the petitioners. Further, the accused No.4/Suma had earlier borrowed money from the petitioners on interest basis and in connection with the said financial transaction she had issued cheques in favour of the petitioners. The petitioners are also having photographs relating to the money transaction, and other supporting documents showing the financial dealings between the parties. Further, the accused No.4/Suma brought the complainant and introduced him to the petitioners stating that the pledged gold ornaments could be released from the bank and later settled between the parties. Believing the words of accused No.4/Suma, the complainant voluntarily transferred amounts through proper banking channels to the accounts of the petitioners for release of the pledged gold ornaments. Further, after release of the gold ornaments from the bank, the complainant started insisting that the petitioners should hand over the entire gold ornaments immediately without any written agreement, lawful surety, guarantee or security documents. The petitioners specifically requested the complainant and accused No.4/Suma to provide proper written surety and legal documentation before taking delivery of the gold ornaments. Further, the accused No.4/Suma had agreed to repay and settle the amount and had also agreed for execution of proper security documents. However, the complainant refused to execute any written surety or lawful agreement and insisted that the petitioners should hand over the entire gold ornaments merely on trust basis. The gold ornaments belong to the petitioners and their family members and the approximate weight of the gold ornaments is around 201 grams. Since the gold ornaments are valuable family ornaments and the complainant refused to provide any legal security or guarantee, the petitioners reasonably suspected dishonest intention and therefore did not hand over the gold ornaments. They never had any dishonest intention to cheat the complainant. The present complaint came to be filed only because the petitioners refused to hand over the valuable gold ornaments without proper written security, guarantee and lawful documentation. Hence the complaint is false and filed only with an intention to threaten and pressurize the petitioners. After the complainant started insisting for delivery of the gold ornaments without any written surety or lawful security, the complainant and other persons started pressurizing and threatening the petitioners to hand over the gold ornaments. The petitioners reasonably believed that there was an attempt to illegally obtain and extort the valuable gold ornaments from the petitioners without any lawful documentation or security. Due to such pressure and unlawful demand for delivery of the gold ornaments, the petitioners approached the jurisdictional police station and informed the police authorities that the complainant and others were demanding delivery of gold ornaments without any written surety, guarantee or lawful documents. The petitioners had also submitted a complaint before the police seeking protection regarding the valuable gold ornaments belonging to the petitioners and their family members. Further the police had received the complaint submitted by the petitioners and issued NCR copy, no FIR was registered on the complaint of the petitioners. However, subsequently, based on the complaint lodged by the opposite party, the respondent police registered the present FIR against the petitioners. The complainant and other persons even came near the house of the petitioners along with police personnel and demanded immediate delivery of the gold ornaments without any written agreement, lawful surety or security documents. The petitioners were shocked by such conduct and therefore refused to hand over the gold ornaments for safety and security reasons. The gold ornaments belong to the petitioners and their family members and the petitioners are in possession of purchase receipts, ownership documents and other supporting records relating to the gold ornaments. Further the entire transaction admittedly took place through proper banking channels by way of IMPS and RTGS transfers and therefore there was absolutely no dishonest intention or concealment from the inception. The petitioners had no direct agreement, understanding om transaction with the complainant relating to sale of gold ornaments and the petitioners were knowing only accused No.4. The petitioners were not aware about the relationship or arrangement between accused No.4 and the complainant. The petitioners submit that accused No.4/Suma herself actively participated in the entire transaction and she is also arrayed as accused in the FIR. The petitioners further submit that the gold ornaments are valuable family ornaments weighing approximately 201 grams and therefore the petitioners insisted upon lawful surety, written documentation and legal security before handing over the gold ornaments. However, the complainant insisted upon immediate delivery of the gold ornaments without executing any written agreement, surety bond or lawful guarantee and therefore the petitioners reasonably suspected dishonest intention and refused to hand over the gold ornaments. Further, even prior to registration of the present FIR, the petitioners had approached the police authorities and submitted a complaint stating that the complainant and others were attempting to forcibly obtain the gold ornaments without any lawful security or documentation. Though the police authorities had issued NCR copy on the complaint submitted by the petitioners, no FIR was registered on the complaint of the petitioners. However, based on the complaint lodged by the opposite party, the respondent police registered the present FIR against the petitioners. Further, the complainant and other persons had even come near the residence of the petitioners along with police personnel and demanded immediate delivery of the gold ornaments without any written surety or lawful documentation which created fear and apprehension in the minds of the petitioners. The gold ornaments belong to the petitioners and their family members and the petitioners are in possession of purchase receipts, ownership documents and other supporting materials relating to the said gold ornaments and the same will be produced before the Investigating Officer and before this Court. Further the dispute is purely civil and financial in nature arising out of money transactions and go security dealings and the respondent police have unnecessary given criminal colour to a civil dispute. The petitioners are innocent and law-abiding citizens having deep roots in society and they are permanent residents of the addresses mentioned in cause title. The petitioners are ready and willing to co-operate with the investigation and undertake not to abscond, tamper witnesses or destroy any evidence and are ready to abide by reasonable conditions imposed by this Court. Hence, they prayed to allow the petition.

8. On the contrary the learned Public Prosecutor has filed objections and seriously opposing the bail petition on the grounds that, the bail petition filed by the petitioners are contrary to law and facts, liable to be dismissed. Further the learned Public Prosecutor has reiterated the complaint averments. The investigation is still in progress. The Investigating Officer has visited the spot and conducted the Spot Mahazar as shown by the complainant in the presence of panchas. **Thereafter, the petitioners-accused have gave their voluntary statement it shows that the complainant has been transferred amount to the account of the petitioners**. Further prima facie found that the petitioners have conspired together and committed a breach of trust and fraud by promising to sell the Jewels pledged in the bank if they are released, but they did not do so. The investigation needs to know

whether the petitioners are involved in this case or not along with accused No.4. After obtaining and checking the statements of the accused's accounts from the above bank, it is found that money was transferred from the complainant's account to the accused's accounts through IMPS and RTGS on 12-05-2026. The complainant is a resident of Bengaluru, and it is found that the complainant and the accused persons have no previous acquaintance and no business relationship, which shows that the petitioners have cheated the complainant. The investigation is in progress, the petitioners are absconded and they have to apprehend and enquired them and also recorded the statement of witnesses and also collected the CCTV footages. The petitioners are financially and politicaly influential persons, and if they granted anticipatory bail, they may abscond from the jurisdiction of this court and in such an event, it will hamper the investigation. The petitioners may threaten the witnesses and destroy the evidence of the prosecution or involved in the similar offences. Further, it is contended that there are no valid grounds to grant bail to the petitioners. There is sufficient material on record to presume that the petitioners have committed the offences alleged against them. Hence, it is requested to reject the petition.

9. The contentions of either side is placed on record. I have carefully perused the allegations made against the petitioners in the complaint, FIR, the statement of objection filed by the prosecution, and the contentions raised by the petitioners in this petition. The averments made in the complaint prima facie goes to show that, these petitioners along with accused No.4 have committed alleged offences which are heinous and financial transaction in between the complainant and petitioners. The apprehension of the learned Public Prosecutor the custodial interrogation of the petitioners are very much necessary. Moreover, the investigation is pending and if the bail petition is allowed, they may threaten the prosecution witnesses, chances of destroying the prosecution evidence. Further there is chance of absconding and not available for investigation, in which case it cause obstruction for investigation of the case cannot be ruled out. Further, as per the documents produced by the learned Public Prosecutor, there is a money tranaction between them. Apart that, though Smt. Ashwini/accused No.3 has lodged the complaint before the respondent police, but the respondent police have not registered the case against the accused, but given NCR in NCR No.110/2026 dated 25.05.2026. As seen from the NCR the complainant mother sent a xerox complaint on 25.05.2026 at about 9.45 p.m. but the present complaint lodged by the complainant

herein on 25.05.2026 at about 6.30 p.m. The argument of the learned Public Prosecutor lodging a complaint by Smt. Ashwini is only an after thought is acceptable one at this stage. Hence, in the light of the above, looking to the surrounding circumstances, facts of the case and material on record, I feel this is not a fit case to exercise discretion to grant anticipatory bail. Accordingly, the bail petition is not at all deserves to be allowed. Hence, I hold that the petitioners are not entitled for anticipatory bail at this stage. Further, the ratio held in the rulings relied upon by the learned counsel for the petitioners are not helpful at this stage and I proceed to pass the following:

ORDER

The bail petition under Section 482 of Bharathiya Nagarika Suraksha Sanhitha, 2023 filed on behalf of the petitioners/accused No.1 to 3, is hereby **dismissed.**

(Dictated to the Stenographer directly on computer, typed by him, corrected by me, signed and then pronounced by me in the open court, on this the **22nd day of June, 2026**.)

KANTHARAJU S V Digitally signed by KANTHARAJU S V
Date: 2026.06.24 17:54:20 +0530

(Kantharaju S.V.)
I Additional District & Sessions Judge,
Chikkaballapura.