



**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 6th DAY OF JULY, 2026

Criminal Misc. No. 334/2026

PETITIONER : Smt.Kasthuri Bai,
W/o. Srikanthaiah,
Aged about 44 years,
R/at No.45-4,
Kaveripura, Kamakshipalya,
Bangalore North – 560 m079.

(Shown as accused no.2 in
CR.No.108/2024, CC No.106/2025)
(By Sri.N.N., Adv.)

Vs.

RESPONDENT : The State of Karnataka
Rep.by, Town Police,
Chikkaballapur.

(By Public Prosecutor,
Chikkaballapura.

ORDER

The petitioner/accused has filed the present bail application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in connection with Town police station, Chikkaballapura in Cr.No.108/2024,

CC No.106/2025) registered for the offences punishable under Section 181, 187, 197, 200, 205, 210, 419, 420 of IPC 1860.

2. The petitioner in his petition contended that, the entire averments of the complaint are false and untenable, she is innocent of the alleged offences and she has not committed any offences, the alleged sections are triable by the JMFC court and are not attracted to her. The allegations made in the complaint are false, baseless and devoid of merit. She has not committed any act of forgery, impersonation, or cheating as alleged. The entire case is founded on assumptions and misconceived allegations without any cogent material connection her with the alleged offences. The investigation has already been completed and the charge sheet in CC No.106/2025 before the Sr. civil Judge and CJM, Chikkaballapura. Therefore, the custodial interrogation of the petitioner is no longer required.

3. It is further submitted by the petitioner that, she is a law abiding citizen, has cooperated with the investigation, and undertakes to abide by any conditions that may imposed by this court. Hence she prayed her to release on anticipatory bail. She is a house wife, having children and except her no one look after them, she is having deep roots in the society and not involved in any case, as such question of her jumping on bail or fleeing from justice does not arise. The respondent police have registered a case against her for non bailable offences and trying to arrest her, she is ready and willing to furnish the surety to the satisfaction of the Court, there is no danger of the petitioner absconding or fleeing from justice, she is ready and willing to abide by any conditions that may be imposed by this Court for her release on bail. If the petition

is not allowed, she and her family members will be subjected to great hardship and trouble which cannot be compensated by any means and it will spoil the entire future/ carrier of her and hence, prayed to allow the petition by granting bail to him.

4. 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 and contended that, the offences alleged against the petitioner are non bailable in nature and prima facie the accused has committed heinous offence of cheating, there are 13 witnesses to the case of prosecution, if the accused is released on bail, there is threat to the complainant and she may commit similar offences and there are chances of threatening the witnesses to not to depose against her at the time of trial, she will have no threat about law and even there is apprehension that she may remain abscond permanently to delay the trial. Further it is contended that, the investigation has already been completed the grounds shown in the petition are far from the truth and among other grounds mentioned in the objections, hence prayed to dismiss the bail petition.

5. Heard the arguments of the learned counsel for the petitioner, and heard the learned Public Prosecutor.

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

- 1) Whether the petitioner/accused has made out grounds to grant regular bail as prayed in the petition ?
- 2) What order?

7. 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,

R E A S O N S

8. **Point No.1:** It is the case of prosecution that, one N.Purushothama Rao Magar had filed a petition in P and SC 68/2023 before the Hon'ble Prl. Dist and Sessions Judge, Chikkaballapura for obtaining the Probate certificate and in the said petition one Smt.Tharabai was made a party as a respondent no.3 though she was dead by hiding the death of said Tharabai seeking grant of probate in respect of the estate of late Smt.Tharabai. It is also alleged that, the said Tharabai had expired on 6.4.2016, the petitioner in the probate proceedings deliberately arrayed as her respondent no.2 by concealing the fact of her death. It is also alleged that, notices were issued to all the respondents in the said petition through RPAD and notice issued to respondent no.3 i.e. deceased Tharabai was allegedly received on 10.4.2024 by the present petitioner signed the RPAD acknowledgment by writing her name as "Tara" by impersonating the deceased Tharabai and fraudulently received the court notice. It is further alerted that on 29.6.2024 the petitioner in the said petition appeared before the court and submitted that, respondent no.3 Tharabai had died on 6.4.2016 and Smt.Kasthuri Bai i.e. petitioner had forged the signature and impersonated the deceased, thereafter the Hon'ble Prl. Dist. & Sessions Judge summoned the petitioner for enquiry by that time the petitioner failed to furnish any satisfactory

explanation regarding the receipt of the notice in the name of deceased. Hence, the Hon'ble Prl. Dist. & Sessions Judge has directed the office to initiate complaint against the petitioner for taking the notice in the name of Tharabai who is dead and impersonating herself as Tharabai.

9. On careful perusal of the material documents placed before the court it appears that, after filing the complaint by the in-charge CAO of the court as per the directions of Hon'ble Prl. Dist. & Sessions Judge a case has been registered in Cr. No.108/2024 by the Chikkaballapura Town police and after registering the case the I.O. has conducted the investigation and filed the charge sheet against the present petitioner and another accused showing them as they are absconding. It is also seen from the records that the I.O. has issued notices to the present petitioner and another accused person inspite of that, they did not appear before the I.O. for the purpose of investigation, hence the conduct of the accused itself would goes to show that, they have not appeared before the I.O. and cooperated with the investigating officer, that itself goes to show that, accused are intending to abscond and which may cause hindrance for the court to secure the presence of the accused persons. Even the learned Magistrate after receiving the charge sheet and taking cognizance and issued the summons to the accused persons, despite of it the accused did not appear before the Magistrate and in turn the Magistrate has issued NBW to the present petitioner and another accused on 27.4.2026 and 22.5.2026 and thereafter again the Magistrate has issued summons to the present petitioner and another accused but present petitioner did not appear before the court which would also goes to show that, the petitioner is not intending

to appear before the Magistrate, in such circumstances the petitioner has not made out any grounds for grant of anticipatory bail as there are sufficient materials placed by the prosecution to show that, the present petitioner is not having intention either to appear before the I.O. for the purpose of investigation or appear before the court for the purpose of trial.

10. In addition to the above, the documents produced by the prosecution at this stage prima facie sufficient to hold that, the present petitioner voluntarily and knowingly has received the notice issued by the court in P and SC No.68/2023 to the deceased Tharabai by impersonating herself as Tharabai. The Hon'ble Prl. Dist. & Sessions Judge Chikkaballapur, in P and SC 68/2023 has also issued notice to the present petitioner and secured her and conducted the enquiry by that time also she has admitted that at the instance of the accused no.1 in this case i.e petitioner in P & SC 68/2023 and accused no.3 has received the said notice by impersonating herself as deceased Tharabai and played fraud on the court in obtaining the order from the court in P & SC 68/2023. Therefore, at this stage and in view of the filing of the absconding charge sheet against the present petitioner, the petitioner is not entitled for grant of anticipatory bail. Accordingly, this point is answered in the **NEGATIVE**.

11. **Point No.2:** For the foregoing reasons and answer to the above point it is just and necessary to pass the following:

ORDER

The petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (U/s.438 of Cr.P.C.) filed by the petitioner/accused is hereby rejected.

(Dictated to the Stenographer directly on the computer, typed by her, printout corrected, signed/and then pronounced by me in open court on this the **06th day of July, 2026**)

(SIDDANNA B.HANDRAL)

III-Addl. District and Sessions Judge,
Chikkaballapura.