

KACB010011392026



**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. 335/2026

PETITIONER : Sri.N.Purushotham Rao Magar,
S/o. P.Narayana Rao Magar,
Aged about 53 years,
R/at No.8/6, 5th main road,
Near Ahdra Bank,
Vinayakanagar,
Bangalore North,
Bangalore – 560 063

(Shown as accused no.1 in
CR.No.106/2025)

(By Sri.Chaya Kumar, Adv.)

Vs.

RESPONDENT : The State of Karnataka
Rep.by, Chikkaballapura Town P.S.,
Chikkaballapur.

(By Public Prosecutor,
Chikkaballapura.

O R D E R

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 he has not committed any offences, the alleged sections are triable by the JMFC court and are not attracted to him. The allegations made in the complaint are false, baseless and devoid of merit. He 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 him 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, he is a law abiding citizen, has cooperated with the investigation, and undertakes to abide by any conditions that may imposed by this court. He is having old aged parents, wife and children. The entire family members is depending upon his earnings, he is having deep roots in the society and not involved in any case, as such question of his jumping on bail or fleeing from justice does not arise. The respondent police have registered a case against him for non bailable offences and trying to arrest him, he 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, he is ready and willing to

abide by any conditions that may be imposed by this Court for his release on bail. If the petition is not allowed, himself and his family members will be subjected to great hardship and trouble which cannot be compensated by any means and it will spoil the entire future/ career of him 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,

REASONS

8. Point No.1: It is the case of prosecution that, one N.Purushothama Rao Magar (present petitioner) 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 her as respondent no.3 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 accused no.2 i.e. Smt.Kathuri bai signed the RPAD acknowledgment by writing her name as "Tara" by impersonating the deceased Tharabai and fraudulently received the court notice. It is further alleged that on 29.6.2024 the accused no.3 by name Janardhan Rao Magar appeared in the said petition before the court and submitted that, respondent no.3 Tharabai had died on 6.4.2016 and Smt.Kasthuri Bai i.e. accused no.2 had forged the signature and impersonated the deceased, thereafter the Hon'ble Prl.

Dist. & Sessions Judge summoned the accused no.2 for enquiry by that time the accused no.2 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 accused no.2 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 the notices to the present petitioner and 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 go 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 appeared 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 intentionally though he had knowledge that, the deceased Tharabai was died on 6.4.2016, despite of it, he had filed the petitioner in P & SC 68/2023 before the Hon'ble Prl. Dist. & Sessions Judge, Chikkaballapura for obtaining the probate certificate deliberately arrayed the deceased Tharabai as respondent no.3 thereby concealing the fact of her death and also by colluding with the other accused persons made the accused no.2 to receive the notice issued to the respondent no.3 i.e. deceased Tharabai by the court through RPAD and made her to sign as Tara on the RPAD acknowledgment by impersonating the deceased Tharabai and fraudulently received the said notice, hence, the present petitioner and other accused persons played fraud on the court by filing the petition for obtaining the probate certificate by filing the petition in the name of deceased person through impersonation and forgery. Hence, at this stage there are priuma facie materials placed before the court against the petitioner about his involvement in commission of the offence. Hence, 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.

