

KACD010016322026



Presented on : 23-04-2026
Registered on : 23-04-2026
Decided on : 23-06-2026
Duration : 02 Month, 00 days

IN THE COURT OF 1ST ADDL. DISTRICT AND SESSIONS JUDGE
AT CHITRADURGA, CHITRADURGA

Present :- SRI. VEERANNA SOMASEKHARA,
B.Com., LLB (Spl.)

1st Addl. Dist., & Sessions Judge,
Chitradurga.

Dated this 23rd day of June 2026

Crl. Misc. No.424/2026

Petitioner/Accused No.1 :- Mariyappa S/o Chinnappa, Aged about 73 years, R/o 60 Feet Road, 9th Cross, Vinobanagara, Shivamogga.

(By Sri. B.K. Rahamathulla, Advocate)

/Vs/

Respondent :- State by: Hiriyur Town P.S.

(By public prosecutor, Chitradurga)

ORDERS ON BAIL PETITION

The petitioner/accused No.1 has filed this petition U/Sec.438 of Cr.P.C./482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to grant an anticipatory bail in his favour in respect of Cr.No.12/2026 registered by the respondent police against the petitioner herein/accused No.1 and 03 others for the offences punishable

U/Sec.465, 420, 419, 468 and 471 R/w Sec.34 of IPC and U/Sec.82 of Registration Act, 1908.

2. **The brief facts that leads to the petition are as under:-**

The respondent police have registered a case against the accused No.1 and 03 others in Cr.No.12/2026 for the offences punishable U/S.465, 420, 419, 468 and 471 R/w Sec.34 of IPC and U/S.82 of Registration Act, 1908, on the basis of complaint lodged by one Sri. Prabhakar Mutt, Sub-Registrar, Hiriya.

3. It is alleged in the complaint that, on 21.06.2024, the alleged registered sale deed was executed by one Sri. Thimmanaik S/o Ambalappa in respect of the land bearing Sy.No.126/2 measuring 5 acres 27 guntas of Babbur village in favour of petitioner herein/accused No.1. Further it is alleged in the complaint that, on 08.12.2025, one Sri. Chitralingappa S/o Srinivasa has approached the complainant i.e., Sub-Registrar, Hiriya and submitted the complaint before him stating that, the land involved in the registered sale deed is belongs to him and he is the owner and in possession of the said land, inspite of that, the petitioner herein/accused No.1 herein colluded with the other accused have impersonated one person by name Thimmaniak S/o Amblappa and by utilizing the RTC and also other created and forged revenue documents, they have submitted the forged and created documents before the Sub-Registrar, Hiriya for registration of the above said document.

4. After receipt of the said complaint, the complainant has verified all the records available in the office in respect of the above said registered sale deed and at that time, he came to know that,

the accused No.1 to 4 in furtherance of common intention have forged and created the documents and by impersonation, they have registered the said document in favour of the accused No.1. After coming to know the said fact, on 10.12.2025, the complainant has issued notice to the accused No.1 to 4 and the said notice was served to the accused No.1 and accused No.3 and 4 have refused to receive the said notices and the notice issued to the accused No.2 had returned as addressee not residing in the said address. Thereafter, the accused No.4 has sent the evasive reply to the complainant. On the other hand, the accused No.1 has appeared before the complainant i.e., Sub-Registrar, Hiriur Town through his counsel and submitted his explanation to the notice stating that, the Sub-Registrar is not having any power to issue notice to anybody in respect of the registered document.

5. Further it is the alleged in the complainant that, after receipt of the complaint from one Chitralingappa S/o Srinivas and after verifying the documents available in the Sub-Registrar Office, he came to know that, the accused No.1 to 4 in furtherance of common intention have created and forged the documents and by impersonation and have got registered the alleged sale deed in respect of the land bearing Sy.No.126/2 of Babburu village, as such, after taking permission from the District Registrar, Chitradurga, on 19.01.2026, the complainant has rushed to the police station and lodged the complaint before the respondent police against the petitioner herein and 03 others by requesting to take action against them in respect of the above said illegal acts of the accused No.1 to 4.

6. Based on the above said first information, the respondent

police have registered a case in Cr.No.12/2026 against the accused No.1 and 03 others for the offences punishable U/S.465, 420, 419, 468 and 471 R/w Sec.34 of IPC and U/Se.82 of Registration Act, 1908. Hence, at present the petitioner/accused No.1 is apprehending his arrest at the hands of respondent police have filed this petition seeking to grant an anticipatory bail in his favour under the following:-

GROUND

7. The petitioner has contended in the bail application that, he is innocent and has not committed any offences as alleged against him, inspite of that, the complainant has lodged the false complaint against him. Further the petitioner has contended in the bail application that, he is the permanent resident of Vinobanagara, Shivamogga Town and he is a age old person and he is suffering from age old ailments and he is the bonafide purchaser of the property as he has purchased the property by verified all the documents pertaining to land properly, inspite of that, one Chitralingappa S/o Srinivas has lodged a false complaint before the Sub-Registrar, Hiriyr against him and others with an intention to harass him and also with an intention to grab the valuable property from his hands.

8. Further he has contended in the bail application that, the ingredients of Sec.82 of Registration Act and also the ingredients of Sec.465, 420, 419, 468 and 471 R/w Sec.34 of IPC are not attracted against him and there is no prima-facie case made out against him.

9. Further the petitioner has contended in the bail application that, he is ready to appear before the court on all the dates of hearing and he will not flee away from justice and ready to co-

operate with the investigation officer for the purpose of investigation of the case and ready to furnish the surety for the satisfaction of the court and ready and willing to abide by any of the conditions that may be imposed by the court and undertakes not to tamper or hamper the prosecution witnesses, as such, at this stage, if the anticipatory bail is not granted in his favour, then the entire family of the him will be suffered lot. On these among other grounds, the petitioner has sought this court to grant an anticipatory bail in his favour.

10. On issuance of notice, learned public prosecutor has appeared and filed the objections to the bail application, wherein, he has reiterated the contents of complaint lodged by the complainant and contended that, since from the date of registration of the case, the petitioner herein is absconded and now he has filed this bail application seeking to grant an anticipatory bail in his favour, as such, at this stage, the petitioner is not entitled the anticipatory bail as prayed for.

11. Further learned public prosecutor contended in the objection that, still the investigation of the case is under progress, as such, at this stage, if the anticipatory bail is granted in favour of the petitioner herein, then he may threaten the prosecution witnesses and also he may try to destroy the prosecution evidence and also absconding by him from the jurisdiction of the court, as such, at this stage, the bail application filed by the petitioner is deserves to be dismissed. Contending the above facts, learned public prosecutor prays to dismiss the bail application filed by the petitioner herein.

12. Heard the arguments of both the sides and perused the records.

13. The following points that would arise for my consideration are:-

1) Whether the petitioner/accused No.1 has made out a sufficient grounds for grant of anticipatory bail in his favour as prayed for ?

2) What order ?

14. My finding on the above points are as under:

Point No.1: In the **Negative**,

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

REASONS

15. **POINT No.1:-** During the course of arguments, learned counsel for the petitioner/accused No.1 argued by reiterating the contents of bail application filed by the petitioner. Further he argued that, on perusal of the contents of the certified copy of FIR and complaint produced by the petitioner, it shows that, admittedly there was a delay of 1½ years in lodging the complaint, as such, there is a doubt regarding the occurrence of alleged incident as mentioned in the complaint.

16. Further learned counsel for the petitioner argued that, on perusal of the contents of certified copy of complaint produced by the petitioner, it clearly shows that, the petitioner is a bonafide purchaser of the property involved in the registered sale deed as he has purchased the said property after verified all the documents pertaining to it and also by spending huge amount, as such, the petitioner is noway concerned to the alleged incident, as such, the ingredients of Sec.82 of Registration Act and also ingredients of Sec.465, 420, 419, 468 and 471 R/w Sec.34 of IPC are not

attracted against him and also the offences alleged against the accused/petitioner are though non-bailable in nature, but not punishable either with death or imprisonment for life and the said offences are exclusively triable by learned JMFC court, as such, at this stage, if the anticipatory bail is not granted in favour of the petitioner as prayed for, then the entire family of the petitioner will be suffered lot. Contending the above facts, learned counsel for the petitioner prays to allow the bail application filed by the petitioner by granting an anticipatory bail in his favour as prayed for.

17. In support of the arguments, learned counsel for the petitioner/accused No.1 has relied upon a judgment dated 21.04.2026 passed by the Hon'ble Supreme Court of India in **Criminal Appeal No(s). _____ of 2026 (Arising out of SLP (Crl.) No.(s).12177 of 2022) (S. Anand V/s State of Tamil Nadu Represented by its Inspector of Police and Anr.)**.

18. On the other hand, learned public prosecutor argued by reiterating the contents of objections filed by him and submits that, on perusal of the contents of the complaint produced by the petitioner itself shows that, the petitioner herein and 03 others have committed the offences as mentioned in the complaint and also at this stage, still the investigation of the case is under progress, as such, at this stage, if the anticipatory bail is granted in favour of the petitioner, then he may tamper the prosecution witnesses and also he may absconding from the jurisdiction of the court, as such, the bail application filed by the petitioner is deserves to be dismissed. Contending the above facts, learned public prosecutor prays to dismiss the bail application filed by the petitioner.

19. On perusal of the records, it shows that, along with the bail application, the petitioner has produced the certified copy of FIR, complaint and seizure panchanama in Cr.No.12/2026 of Hiriyr Town Police.

20. On perusal of the contents of the certified copy of FIR and complaint produced by the petitioner, it shows that, based on the complaint lodged by Sri. Prabhakar Mutt, Senior Sub-Registrar, Hiriyr, the respondent police have registered the case in Cr.No.12/2026 against the petitioner herein and 03 others for the offences punishable U/S.82 of Registration Act and also ingredients of Sec.465, 420, 419, 468 and 471 R/w Sec.34 of IPC. Further on perusal of the contents of the certified copy of seizure panchanama produced by the petitioner coupled with contents of the objections filed by the learned public prosecutor, prima-facie it shows that, after registration of the case, the investigation officer has visited the spot and conducted the spot panchanama and seized the alleged documents in the presence of panchas.

21. But as stated above that, the contention of the petitioner is that, he is a bonafide purchaser of the land shown in the registered sale deed, as such, he is noway concerned to the alleged incident and also he is not at all responsible in respect of the registration of the alleged registered sale deed as he has purchased the property by verified all the documents of it and also by spending huge amount, as such, the ingredients of Sec.82 of Registration Act and also ingredients of Sec.465, 420, 419, 468 and 471 R/w Sec.34 of IPC are not attracted against him, as such, at this stage, if the anticipatory bail is not granted in his favour as

prayed for, then the entire family of him will be suffered lot.

22. But on perusal of the contents of the certified copy of complaint produced by the petitioner, prima-facie, it shows that, before lodging the said complaint by the complainant i.e., Sub-Registrar, Hiriyur has verified all the documents available in the office and at that time, he came to know that, the accused No.1 to 4 in furtherance of common intention have created and forged the documents and by impersonation, the alleged sale deed mentioned in the complaint was registered by the accused No.1 to 4 before him, as such, before lodging the said complaint, the complainant has issued the notices to the petitioner herein and 03 others and thereafter he has lodged the complaint before the respondent police against the accused No.1 to 4.

23. Considering the above facts and looking to the contents of the complaint, I am of the opinion that, at this stage, this court cannot conduct the mini trial that, whether the petitioner herein has involved in the alleged incident or not and the said fact has to be considered only after full fledged trial and it requires enquiry. Considering the above facts and for the above reasons, I am of the opinion that, at this stage, the contention of the petitioner is not acceptable one. On the other hand, at this stage, the respondent police have placed the prima-facie materials against the petitioner herein.

24. It is pertinent to note that, the offences alleged against the accused No.1 to 4 are non-bailable in nature and punishable with imprisonment for 7 years. On the other hand, on perusal of the contents of the objections filed by the learned public prosecutor, it

shows that, admittedly still the investigation of the case is under progress as the investigation officer has to record the statements of witnesses and also pending for receipt of report from the concerned department. On the other hand, on perusal of the cause title of the bail application, it shows that, admittedly the petitioner herein is residing outside the jurisdiction of Chitradurga District. Considering the above facts and circumstances of the case and looking to the nature of the offences alleged against the petitioner herein and also looking to the stage of the investigation, I am of the opinion that, at this stage, if the anticipatory bail is granted in favour of the petitioner, then there is a every chance of threatening the prosecution witnesses and also there is a every chance of destroy the prosecution evidence by the petitioner and also he may abscond from the jurisdiction of Chitradurga District.

25. Considering the above facts and circumstances of the case and for the above reasons, I am of the opinion that, at this stage, the prosecution has placed the prima-facie materials against the petitioner, as such, at this stage, it is not a fit case to grant an anticipatory bail in favour of the petitioner by exercising the discretion of this court.

26. At this stage, I have gone through the above mentioned citation relied upon by the counsel for the petitioner. On going through the said citation, the observation of the Hon'ble Apex Court is not aptly applicable to the application on hand as the facts and circumstances involved in the above said judgment and the facts and circumstances involved in this application are different one.

27. Considering the above facts and for the above reasons, I am of the opinion that, at this stage, the petitioner has failed to made out a sufficient grounds to grant an anticipatory bail in his favour as prayed for. Accordingly, I answer this point in the **Negative.**

28. **POINT No.2:** In view of the above discussion and findings on point No.1, I proceed to pass the following:

ORDER

The anticipatory bail application filed by the petitioner/accused No.1 U/S.438 of Cr.P.C./482 of Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby dismissed.

(Dictated to the Stenographer Grade-III directly on computer and typed by him, corrected by me in the computer, print out taken and then pronounced by me in the open court this the 23rd day of June 2026).

(Veeranna Somasekhara)
1st Addl. Dist & Sessions Judge,
Chitradurga.

SML