

KADG010007732026



Presented on : 06-03-2026
Registered on : 06-03-2026
Decided on : 16-03-2026
Duration : 0 years, 0 months, 10 days

IN THE COURT OF
II ADDL. DISTRICT & SESSIONS JUDGE DAVANAGERE
AT: DAVANAGERE

PRESENT:- SRI. PRAVEEN KUMAR. R.N, B.Com, LL.B.
II ADDL., DISTRICT & SESSIONS JUDGE,
DAVANAGERE.

DATED THIS THE 16TH DAY OF MARCH, 2026

Crl.Misc./217/2026

PETITIONER/S:-

Smt. Sunitha C., W/o Late Ramesh, 41
years, Bill Collector City Corporation,
Davanagere office at Vlaya Kacherei-
2, Lokikere Road, Near Jilla
Panchayath, R/o Municipal Quarters,
Opp: Church, PJ Extension,
Davanagere, (A.No.1),

(By Smt./Sri. M.D.S, Advocate),

// Vs //

RESPONDENT:-

State by CEN Crime Police Station,
Davanagere,

(By Public Prosecutor, Davanagere),

: ORDERS ON BAIL PETITION FILED U/SEC.482 OF BNSS :

The petitioner / accused No.1 filed petition under Sec.482 of BNSS, for seeking the relief of anticipatory bail on apprehension of her arrest in Crime No. 03/2026 of respondent Police Station for the offences punishable U/s.336(2), (3), 318(3), 319(2), 61(2) R/w.Sec.3(5) of BNSS and Sec.66(C) & (D) of Information Technology Act, 2000.

2. Grounds for bail : The petitioner contend that the case has been lodged against her with mala fide intent to illegally arrest her and to subject her to mental and physical harassment.

3. The petitioner further asserts that she is respectable individual, well-rooted in society. Her permanent residence is at the address mentioned in the cause title. She argues that if she arrested by the respondent police, her reputation in society will be tarnished. She claims that a false complaint has been filed solely to harass her and damage her social standing. Consequently, the petitioner is under a reasonable apprehension of being arrested by the respondent police.

4. The petitioner submits that if granted bail, she is willing to comply with any conditions imposed by the court and is prepared to furnish sufficient surety for the satisfaction of the court. Hence, pray for the bail petition to be allowed.

5. The learned Public Prosecutor (PP) for the state has filed objections to the petition, contending that a prima facie case has been

made out against the petitioner for the alleged offences. The prosecution asserts that the petitioner has committed a serious offences, which are heinous in nature and against the interest of society.

6. The learned PP further argues that if the petitioner is granted bail, there is a risk of interference in the investigation, tampering with prosecution witnesses, or absconding. Additionally, the prosecution contends that the petitioner has not provided sufficient grounds to justify bail. Therefore, the prosecution prays for the rejection of the bail petition.

7. On perusal of the petition, objection, FIR and IO report, I framed following points for consideration: –

1. Whether the petitioner is entitled to the relief of anticipatory bail under Sec. 482 of BNSS ?
2. What order ?

8. My answer to the above points are as follows ;-

Point No.1 : In the Negative,

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

R E A S O N S

Point No.1 :-

9. The brief facts of the case are that the informant, being a responsible officer, has lodged information against several persons, including the petitioner, stating that the petitioner, who is working as a bill collector at the City Corporation, Davanagere, has illegally

transferred properties falling within the jurisdiction of the Davanagere City Municipal Corporation in the e-Aasthi system without issuing notice to the concerned officers. It is alleged that, by colluding with other brokers, the petitioner illegally facilitated the creation of e-Swathu records in favour of certain persons. It is further alleged that the petitioner has thereby cheated the Government as well as the general public. According to the prosecution, in relation to such transfer and creation of records, the petitioner, by using login credentials and passwords, played a vital role along with the other accused persons. Hence, for the alleged offences, the complainant has filed the complaint against the petitioner and others.

10. During the course of arguments, the learned counsel appearing for the petitioner contended that the petitioner is innocent and was not aware of any alleged manipulation of documents or misuse of login credentials and passwords. It was further contended that it was the duty of the concerned public officials, who were in charge of the said system, to safeguard the same. The learned counsel also submitted that there is an inordinate delay in filing the complaint and that no valid explanation has been assigned for such delay. It was further contended that the petitioner possesses movable and immovable properties at her native place, belongs to a respectable family, and has aged parents, a husband, and children dependent upon her, and that she is the sole earning member of the family. It is further submitted that the petitioner is suffering from severe health issues, namely Chronic Thromboembolic Lung Disease with Pulmonary Arterial Hypertension (PAH), and she is under regular follow-up treatment. Except the petitioner, there is no

one to take care of her family. It is further submitted that the complainant has made a general allegation that the accused persons colluded with each other in creating e-Swathu records in the computer system by manipulating user names and passwords without the consent and permission of the concerned officers and created e-Swathu entries in respect of Government properties. However, in the original complaint, there is no specific allegation as to the exact role played by this petitioner in the creation of such documents. It is further contended that the petitioner is not related to or connected with the other accused persons and that, without proper investigation, she has been falsely arrayed as an accused. At this stage, there is no material to show that the petitioner fabricated any document or hatched any conspiracy as alleged.

11. It was further contended that the petitioner is apprehending arrest by the jurisdictional police and that, if she is arrested, it would cause irreparable damage to her reputation. Hence, on these grounds, the learned counsel prayed to allow the petition.

12. On the other hand, the learned Public Prosecutor argued that the investigation is still in progress and that necessary documents and materials are yet to be collected. It is further contended that the petitioner is the main culprit in the case. According to the complaint, the petitioner and the co-accused created e-Swathu entries in respect of Government properties in the computer system by manipulating user names and passwords without the consent and permission of the concerned officers. It is submitted that a prima facie case is made out

against the petitioner. If she is released on bail, there is a likelihood of tampering with evidence and influencing witnesses. The offences alleged are serious in nature, affecting the public financial and administrative system, and are non-bailable. Hence, custodial interrogation of the petitioner is necessary. On these grounds, the learned Public Prosecutor prayed to reject the bail petition.

13. On perusal of the petition, the objections filed by the learned Public Prosecutor, and the report of the Investigating Officer, it reveals that the delay in lodging the complaint in respect of the main offence has been explained. On perusal of the complaint, it appears that the delay has been properly explained therein. The offence levelled against the petitioner is a serious one and it appears that it may have an impact on society at large. In such types of cases, it is the duty of the Court to carefully analyse the materials placed before it by both sides.

14. On perusal of the entire records at this stage, it appears that a prima facie case is made out against the petitioner. The records indicate that the petitioner is involved in the commission of the alleged offence. At this stage, it appears necessary to interrogate the petitioner. The records further show that the seizure of certain incriminating materials is still pending. Furthermore, the documents available on record indicate the involvement of the petitioner in the alleged offence. At this stage, it appears that serious allegations have been made against the petitioner. Therefore, in order to bring out the real facts of

the case, the presence and interrogation of the petitioner appear to be necessary for the respondent police.

15. Further, during the course of arguments, the learned counsel for the petitioner contended that the petitioner is not the culprit and that she is only working as a bill collector at the City Municipal Corporation, Davanagere. However, at this stage, the said argument of the learned counsel cannot be accepted. Without the involvement of the petitioner and without using her login ID, it may not be possible to alter or change the data entries in the system. It is also observed that some of the changes in the data entries were allegedly made during midnight hours, which prima facie indicates the involvement of the petitioner in the case. Further, the mere fact that the petitioner is suffering from certain health issues cannot by itself be a ground to allow the petition when serious allegations involving loss to the Government exchequer have been made. Furthermore, the fact that some other accused persons have been released on bail cannot be a ground to grant bail to the present petitioner. In the instant case, the respondent police require the custodial interrogation of the petitioner. Considering the seriousness of the crime, the personal interrogation of the petitioner appears to be necessary. Accordingly, on these observations, I record my answer to **Point No.1 in the Negative.**

16. Point No.2 :- In view of the finding of this court on point No.1, I proceed to pass the following :-

ORDER

Petition filed by the petitioner / accused No.1
U/Sec.482 of BNSS, is hereby Dismissed.

(Directly dictated to the Stenographer on the computer,
corrected, singed and then pronounced by me in the open court on this
the 16th day of March, 2026),

(Praveen Kumar. R.N,)
II ADDL. DISTRICT & SESSIONS JUDGE,
DAVANAGERE.

(Order pronounced in the open court)
Vide separate order

O R D E R

Petition filed by the petitioner /
accused No.1 U/Sec.482 of BNSS, is
hereby Dismissed.

2nd ADJ, Davanagere.