

KADG010016752026



Presented on : 01-06-2026
Registered on : 01-06-2026
Decided on : 17-06-2026
Duration : 0 years, 0 months, 16 days

**IN THE COURT OF THE I ADDL. DISTRICT AND
SESSIONS JUDGE, DAVANAGERE.**

Present : **Sri. Gururaj Somakkalavar, M.A., LL.B.,**
I Addl. District & Sessions Judge, Davanagere.

Dated this the 17th day of June 2026

Crl.Misc.459/2026

PETITIONER/S:

Sri Venkatesh H.M.
S/o Mruthyunjayappa H.S.,
Aged about 35 years,
R/o Hulikatte,
Davanagere.

(By Sri.S.S.S. Adv.,)

V/S

RESPONDENT/S:

State by Rural Police Station,
Davanagere.

(By the Public Prosecutor, Davanagere.)

ORDERS ON PETITION FILED U/S 482 OF B.N.S.S

This petitioner being accused No.1 in Cr.No.412/2025 registered on the file of Davanagere Rural Police, have filed this petition U/s 482 of B.N.S.S, seeking his release on bail in the event of his arrest by the respondent police for the offences punishable U/s 318, 336(1), 336(2), 336(3), 336(4), 339, 340(2) R/w Section 3(5) of B.N.S.

2. It is contended by the petitioner that, he is innocent and law abiding citizens. He has not at all committed any offence as alleged by the respondent police. A false case has been registered against him. He is coming from respectable family. The petitioner is permanent resident of Hulikatte village, Davanagere. There is no prima-facie case against him. The alleged offences are not punishable with life imprisonment or death. Further, it is submitted that, accused No.2 is enlarged on anticipatory bail in Crl.Mis.182/2026 vide order dated 03/03/2026. Hence, the petitioner is entitle for bail on the grounds of parity. The petitioner undertake to appear before the court on all hearing dates and he further undertakes not to tamper with the prosecution witnesses. He is ready to abide by the terms

and conditions which may imposed by this court. Hence, prayed to allow this petition.

3. Per contra, the learned Public Prosecutor appearing for the respondent, filed detailed objections by reiterating the averments of the complaint and submits that there is prima-facie case against the petitioner. At this stage, if the petitioner is released on bail, there are all possibilities of tampering and destroy the evidences, scare and threaten the witnesses, make the witnesses give false testimony during the trial, hide and abscond and delay the trial of the case unnecessarily. The facts stated by the petitioner in the bail application are far from truth. It is further submitted that, the evidence has to be collected and statements of the witnesses are to be recorded. The prosecution has produce documents to substantiate the allegations leveled against petitioner. Hence, prays to dismiss the petition.

4. Having heard the arguments of the counsel for the petitioner, the learned Public Prosecutor and upon perusal of the records, the points that arise for consideration of this court is:

1. Whether the petitioner is entitled for bail U/s 482 of B.N.S.S?

2. What Order?

5. The findings of this court to the aforesaid points is:

Point No.1 : In the Negative

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

REASONS

6. **POINT NO.1:** It is the allegation in the complaint that, the complainant is the president of Hulikatte village, Davanagere Taluk and District. He stated in the complaint that, he is the member of Hulikatte village Panchyath Davanagere Taluk and District and presently he is president. He alleged that, accused No.1/petitioner herein has made a false allegation against him and has filed complaint with the Regional Commissioner, Revenue Department, Bengaluru. To take immediate action by the Regional Commissioner, he has filed writ petition No.17696/2025 before Hon'ble High Court of Karnataka on 09/06/2025. Since, the accused No.1 has only sought direction against respondent No.2, in the writ petition, the Hon'ble court without giving notice to the complainant allowed the writ petition on 27/06/2025 and has passed the following order.

1. The writ is allowed.

2. Respondent No.2 is hereby directed to conclude the proceedings within period of 6 weeks from the date of receipt of order copy.

7. The complainant came to know about the filing of writ petition on 29/06/2025 when the counsel for writ petitioner's office circulated the 1st page of the writ petition. Through F.R. number he came to know about writ petition No. 17696/2025. When he enquired through his counsel it was only mentioned as petition allowed. After that on uploading of the order on the High Court website he came to know order is passed as stated above. Against the said order he has not preferred said appeal.

8. On 14/07/2025, date was fixed for Panchayath election for the post of president. He is one of the contender and public know about the same. In order to avoid him from contesting the election to the post of president, the petitioner No.1 with the assistance of husband of Sunandamma by name Manjunath @ Manjanna forged and fabricated the original order dated 27/06/2025 and created 3rd direction as below.

ORDER

1. The writ is allowed.

2. Respondent No.2 is hereby directed to conclude the proceedings within period of 6 weeks from the date of receipt of order copy.

3. Respondent No.4 is restrained to contest any kind of elections till conclusion of the enquiry.

9. He further alleges that, Venkatesh and Manjunath as per the whims, the 3rd condition of the order was created (edited) as if the court itself passed an order. On 13/07/2025 they circulated the said order in the WhatsApp to the public and tried to defame him. The said fact was informed to him by his friends and well-wishers and forwarded the same to his son Hanumanthappa's mobile. When same was verified it is found that, Venkatesh has forwarded the same to the Shanmuga of Kereyagalhalli to the WhatsApp No.7829209942 and Prabhanna's mobile No.9844944508 and he sent the same to the son of complainant Hanumanthappa. Same was forwarded to the WhatsApp number of Praveen 9110251503 and he sent the same to his friend Vasu. When he enquired about the same, in order to avoid him from contesting to the post of President of Grama Panchayath, Venkatesh and Manjunath created fake order in the house of Manjunath

and circulated in the public of the village. Further, they have submitted the fabricated order along with the request not to allow complainant to contest to the post of president to the Zilla Panchayath but he does not have confirmed information. He thoroughly verified the order of the Hon'ble High Court and the order circulated in the whats app, original order and the forged order. He came to know that, with intention to prevent him from contesting the election both Venkatesh and Manjanna colluding to each other, original order was manipulated and created fake order and they have circulated the order. By that they have defamed him. They have also cheated the court also. With these allegations information is lodged. The case is registered against accused No.1/petitioner. Now, the petitioner approached this Court apprehending the arrest.

10. The counsel for the petitioner argues that, the petitioner herein is nowhere connected to alleged offences. He is not involved in the offence as alleged by the prosecution. The counsel for the petitioner mainly argued that, the complainant has made a false allegation against the petitioner. The complaint is filed with malafide intention and politically driven. He has pointed

out that, the petitioner himself has approached the commissioner by filing a complaint against the complainant. Further he again approached Hon'ble High Court of Karnataka by filing writ petition. Counsel has emphasized that, the petitioner got the favorable order on his behalf, where the Hon'ble High Court has issue direction against authorities to enquiry against the complainant. Such being the case, there is no necessity for petitioner to fabricate the order and circulate the same in the public.

It is further argued that, the petitioner has not got any benefit from the said fabrication of the order. It is further argued that, the entire story was created by the complainant himself. He had intention of contesting the election to the post of president, so he has created the situation so as to avoid others to contest. It is further argued that, the wife of the accused No.2 is also one of the aspirant to contest the election. There is every possibility that the said fake order created to avoid complainant from contesting. Since, the entire issue is politically driven the said fake order may be created by anybody. But, the false allegation is leveled against this petitioner.

It is further argued countering the documents submitted by the prosecution. The counsel for the petitioner submits that, in the document No.5 there is a mention about the letter dated 11/07/2025 by the petitioner. However, there is no such letter is on record. Further, it is argued that, the complainant himself has approached High Court Vigilance. But, the High Court Vigilance has not got any information by itself or through any public. Hence, it is clear that, the complainant himself has filed information with the High Court Vigilance. Again the counsel for the petitioner has emphasize that, even in the original order there is a direction to respondent No.2 and the order is in favour of the petitioner. Hence there is no question of fabricating fake order. It is further argued that, there are same allegations against the accused No.2 also. But, the court has granted him anticipatory bail. The court has not found prima facie case against the accused No.2, as such anticipatory bail is granted. Same may be applied to accused No.1 and bail may be granted. On these grounds the counsel for petitioner seeks to grant anticipatory bail.

11. On the other hand, the prosecution has addressed arguments that, there is prima faice case against the petitioner herein. He is involved in the

alleged offence, prosecution has pointed out that, the original order contain only two parts of the orders, where as the fake order contain 3rd condition as direction to restrain the complainant from contesting the election. The material clearly speaks that, the order is fabricated. The investigation is in progress. The evidence has to be collected and the interrogation of the petitioner is necessary. It is further submitted by the prosecution that, restraining the complainant from contesting the election itself is the benefit which the petitioner intended to achieve. This clearly shows that, with malafide intention the order is fabricated. It is further argued that, fabrication of the order itself is interfering with the court and justice. The said offence is serious in nature. With these arguments the prosecution seeks to reject the petition.

12. After hearing the arguments on both sides and giving thoughtful consideration to the material placed before this court, it reveals that the present crime is registered on the information by the complainant. It is specifically alleged that, this petitioner lodged the complaint with the Regional Commissioner Revenue Department Bengaluru. Seeking direction of immediate action against the complainant he has also filed writ

petition No.1769/2025. The Hon'ble High Court of Karnataka has passed an order with 2 parts. One is writ petition is allowed and 2nd is direction to conclude proceedings within period of 6 weeks. It is alleged that, in order to avoid the complainant contesting for the post of president in Gram Panchayath to be held on 14/07/2025 a fabricated fake order has been created and circulated in the whats app to the public in the village. In the fake order, the 3rd condition/order is inserted as 'respondent No.4 is restrain to contest any kind of elections till conclude the enquiry.' By this the respondent No.4 who is the complainant herein is said to be restrain to contest election. This fake order said to have been circulated in the public.

13. It is to be noted here that, if the allegations are carefully appreciated, the serious point to be noted here is that, there is allegation of creating fake order and circulating the said order in the public. The fabricating fake order of the Hon'ble High Court of Karnataka is a serious allegation. On appreciation of the material placed before the court, the prosecution has placed documents which contains the original order dated 27/06/2025 of the Hon'ble High Court of Karnataka in writ petition

17696/2025(LB-RES) and the fake order in writ petition No.17696/2025. If both are carefully looked into the original order do not contain the 3rd condition restraining respondent No.4 of the petition from contesting the election. Where as, the fake order contains the 3rd part of the order. Where there is an order to restrain respondent No.4/complainant from contesting any kind of elections till conclude the enquiry. This clearly indicates that, the order of the Hon'ble High Court of Karnataka is manufactured and fake order has been created. Now in this connection High Court Vigilance has sought report from the Police inspector Davanagere.

14. It is very pertinent to note here that, there is a report from the Asst. Executive Engineer Sub division Davanagere to the inspector Rural Police Davanagere. Where in it is noted that, as per the reference No.3 that is later to the Chief Executive Officer Zilla Panchayath, the petitioner here that is Venkatesh H.M. has submitted requisition in which the order of the Honb'le High Court of Karnataka in W.P.17696/2025 dated 27/06/2025 is mentioned. Which contains the 3rd condition of restraining respondent No.4/complainant from contesting the election. It shows that the operative

portion of the fake order is mentioned in the representation submitted by the petitioner herein to the CEO of Zilla Panchayath. This clearly indicates that, there is possibility of petitioner being involved in the alleged offence. The petitioner herein has submitted requisition to the CEO, mentioning the operative portion of the fake order which was manipulated. Though, counsel for the petitioner submitted that, the said representation referred in the 5th document that is letter dated 11/08/2025 is not placed before the court. The argument of the petitioner counsel do not sustain in view of the report dated 05/02/2026 submitted by the Assistant Executive Engineer to the Police Inspector Rural Police Station Davanagere. Where it is clearly mentioned that the petitioner here in has submitted representation with reference of fake order in W.P.17696/2025.

15. It is further alleged that, there is circulation of the fake order in the whats app. The said fact is to be investigated. It is to be noted here that, as per the argument of the counsel for the petitioner, the petitioner will not be benefited by creating the order, as such there is no question of petitioner fabricating the order. It is to be appreciated here that, from the available material, it

is clear that, the fake order of the Hon'ble High Court of Karnataka is manufactured. Since, it is politically driven the creating of the fake order to restrain any of the candidate to contest the election, in this case complainant cannot be ruled out. The intention and the benefit of creating fake document is to be ascertain during the investigation. But, at this juncture prima faice the commission of the offence is visible.

16. The material indicates the involvement of the petitioner in the alleged offences. The role of the petitioner is to be investigated. Manufacturing the fake order of the Hon'ble High Court of Karnataka or any court is a serious offence and cannot be taken lightly as because it affects the public trust in the justice delivery system. Creating or fabricating the order of the court is interfering with the administration of justice which is serious offence. At this juncture it is worth to note the observation of Hon'ble Apex Court in Shanmugam @ Lakshminarayan Vs. High Court of Madras Crl.Appeal No.5245/2024 dated 02/05/2025. The Hon'ble Apex Court observes that, "creating fake orders of the court is one of the most dreaded acts of contempt of court. It is not only thwarts the administration of justice, but it has

in built intention by committing forgery of record.” Here, prima facie it is clear that the order of the Hon’ble High Court is manufactured. The investigation has to be conducted and evidence have to be collected as to where the order is manufactured and how it is circulated. For that, collection of electronic and digital evidence is very much necessary. For that the interrogation of the petitioner is very much necessary. Considering the serious allegations and the offenses involved in the case, the petitioner is not entitled for anticipatory bail.

The counsel for the petitioner has relied upon the order of the Hon’ble High Court of Karnataka in Crl. Petition 200041/2026 dated 12/01/2026. The order of the Hon’ble High Court of Karnataka do not help the petitioner as the facts involved in this case are totally different from that case. The said case involved misappropriation of funds. Where as present case is with regard to the creating fake order of the court. Hence the said authority is not applicable to the present case. If the anticipatory bail is granted there is every possibility that, the evidence to be collected may be tampered or destroyed.

17. Further, the interrogation of the petitioner with regard to the creating the fake order of the Hon'ble High Court of Karnataka and circulating the same is very much necessary. Hence this court is of the view that, the petition deserves to be dismissed. The petitioner has not made out grounds to allow the petition. Hence the petition is dismissed. Hence, Point No.1 is answered in the **Negative**.

18. **POINT NO.2:** In view of the foregoing discussion and the reasons assigned on Point No.1, this court proceed to pass the following:

ORDER

Bail petition filed U/s 482 of
B.N.S.S. by the petitioner is hereby
rejected.

(Dictated to the Stenographer on computer, corrected and then pronounced by me in the Open Court, on this the **17th day of June 2026**)

[Gururaj Somakkalavar]
I Addl District & Sessions Judge,
Davanagere.