

KADG010017412026



Presented on : 05-06-2026

Registered on : 05-06-2026

Decided on : 16-06-2026

Duration : 0years, 0months, 11days.

**IN THE COURT OF
PRL DISTRICT AND SESSIONS JUDGE DAVANGERE
AT DAVANGERE,**

(Presided Over by SMT. VELA D.K.)

Crl.Misc./471/2026

PETITIONER/s : -

Prashantha K.H.
S/o. Hanumantappa.K,
Occ; Manager, M/s. Cholamandalam Investment
and Finance Co.Ltd., Davanagere Branch,
R/o. No.775, 4th cross,
near Kaveramma school,
K.B.Extension, Davanagere

(By Sri. Shivakumar.E Kalal, Advocate)

VERSUS

RESPONDENT:

State of Karnataka represented
by PSI, RMC Yard Police Station,
Davanagere.

(By Public Prosecutor, Davanagere)

ORDER ON PETITION FILED U.SEC.482 OF BNSS

1. The petitioner / Accused No.2 has filed above petition under Sec.482 of BNSS seeking grant of anticipatory bail in the event of his arrest in respect of Crime No.40/2026 of Respondent-Police for the offences punishable under Sec.303(2) of BNS, 2023.

2. The grounds urged for grant of bail are as under :-

a) The petitioner is said to be innocent of the offences alleged and there is apprehension of arrest by the respondent police and that he has been falsely implicated in the case.

b) The petitioner is said to be working as Manager at Cholamandalam Investment and Finance Company, Davanagere since for the last 20 years. At the time of seizure of the vehicle the petitioner was said to be not in the spot and that has been stated by the complainant. The complainant not to be the owner of the vehicle. Further the complainant is said to be not the customer of the finance company and that there is no transaction between the complainant and the Company. The complainant and the owner of the vehicle with intent to

not to repay the loan amount had failed present complaint on false allegations.

c) The complainant is said to be the permanent resident of the address mentioned in the cause title of the petition and owning movable and immovable properties. Hence there is no chance to flee away from justice.

d) The petitioner has no criminal antecedents. The alleged offences are not punishable with death or imprisonment for life. The petitioner is no way concerned with the alleged crime.

e) The petitioner undertakes to abide by the conditions that may be imposed by the Court and also not to tamper the prosecution witnesses. Hence sought for grant of anticipatory bail.

3. The learned Public Prosecutor has filed objection to the above petition contending that the alleged offences are serious in nature. The offence under Sec. 303(2) of BNSS is punishable with imprisonment up to 3 years. The investigation is pending and there is need to arrest the accused persons and to enquire them about the incident. The I.O has to collect the documents about ownership of the vehicle, and other relevant documents, and at this stage the accused are not entitled for grant of

anticipatory bail, as there is every possibility of absconding and causing impediment to the fair investigation and trial of the case, therefore has sought for rejection of the bail petition.

4. Heard learned counsel for the petitioner and learned Public Prosecutor for the Respondent. Perused the records.

5. On hearing the bail petition, the points that arise for consideration are : -

- 1) Whether the petitioner has made out grounds for grant of anticipatory bail vide under Sec.482 of B.N.S.S in Cr.No.40/26 of RMC Yard PS ?
- 2) What order ?

6. The Point No.1 is answered in the Affirmative, and point No.2 as per final order and for the following:-

R E A S O N S

7. **Point No.1:** - As per FIR, Crime No.40/2026 has been registered by Respondent Police for the offences punishable under Sec.303(2) of BNS, 2023, on the complaint lodged by the complainant Babujan on

27.5.2026. The place of crime is described as, 1st main, 1st cross, Shekarappa Extension, Avaragere, Davanagere. The name of the petitioner finds place in the Col.No.6 of the FIR as A.2.

8. The gist of the complaint is that, the complainant had purchased Ashok Lyland vehicle bearing Reg. No.KA 17 AA 7773 about 3 years back in the name of his son-in-law for the purpose of business and used to pay the loan instalments. He was due for 4 months instalments and that on 21.5.2026 at 2 PM he had parked the vehicle in front of his house by keeping an amount of Rs.1,91,000/- cash in the dashboard of the vehicle. On 22.5.2026 when the complainant was proceeding to Javagal, at 10.30 AM one Manju (A.1) called him over phone and stated to have seized the vehicle. The complainant informed said Manju that he had paid one instalment and also had sent the receipt through WhatsApp. Further, when the complainant called the Manager Prashanth (A.2), he did not pick the call. Thereafter, the complainant sent his son-in-law Saddam and his friend Nagaraj to the place where the vehicle was parked, but said persons after visiting the spot informed that the vehicle was not found at the place. Immediately the complainant returned to Davanagere and met Manju (A.1) and asked him about the cash of Rs.1,91,000/- kept in the dashboard of the

vehicle. At that time said Manju told that he had videographed the seizure and there was no money in the vehicle. Therefore, the complainant went to RMC Yard Police Station and lodged complaint against the accused persons alleging theft of money.

Learned counsel for the petitioners has produced certified copies of the FIR, complaint in Cr.No.40/26, Loan agreement - Vehicle/ Equipment Finance, Schedule of Agreement, Statement of accounts of the complainant with Cholamandalam Investment Company, Employee Card of the petitioner, ID Card, Employees State Insurance Corporation, Hubli, Declaration Form, along with Aadhar Card.

9. In the Report of the I.O submitted by the learned PP, wherein it is stated about the investigation to be still pending, and need for arrest of accused for interrogation about theft of money, seizure of stolen money from the possession of the accused, to record statements of the witnesses and to collect the relevant documents about the alleged incident, documents pertaining to the place of offence, therefore there is possibility of absconding of the accused, destruction of the evidence and repetition of same offence to make unlawful gain.

10. On going through the records, it is evident that the complainant had purchased vehicle Ashok Lyland by availing loan from Chola mandalam Finance Company and was due to pay 4 instalments. When the officials of the said finance company had seized the vehicle, the complainant is said to have lodged complaint against the petitioner and another alleging theft of cash of Rs.1,91,000/-. How far the allegations made in the complaint is true, is a matter of trial. Further, on perusal of the report of the I.O and objection of learned PP, it means that, major portion of the investigation has been completed. Therefore, the presence of the petitioner/A.2 for custodial interrogation is not required.

11. In a case, **State of Rajasthan, Jaipur Vs Balachand @ Baiiay, in Crl.Misc. Petition No.1424 - 1425 of 1977, the Hon'ble Supreme Court** in its Judgment dated 20.09.1977 has held that, "The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the court. When considering the question of bail, the gravity of the offence involved and the heinousness of the crime

which are likely to induce the petitioner to avoid the course of justice must weigh with the court.”

In this regard, it is necessary to impose conditions in accordance with terms of the Circular of the Hon’ble High Court of Karnataka dated 30.6.2025 vide HCC No.48/2012 in order to secure the accused.

12. The petitioner is said to be the Manager of the Cholamandalam Finance Company, at Davanagere, and he has been arrayed as A.2 in the FIR. In view of the name of the petitioner appearing in the FIR, there are reasonable grounds made out that the petitioner is apprehending arrest by the Respondent Police in the aforesaid Crime, for grant of anticipatory bail as required under Sec.482 of BNSS. Further, in the instant case the major part of the investigation has been completed. Therefore, arrest of the petitioner would not be required. The allegations made in the complaint are true or not, that would be decided in due course of time on completion of the trial. The said offences are not punishable with death or imprisonment for life.

13. Based on the documents placed before the court, and in view of the principle laid down in the aforesaid decisions, the apprehension of learned P.P about

causing impediment to the fair investigation and trial of the case, could be over come by imposing stringent conditions, hence the point for consideration is answered in the Affirmative.

14. **Point No.2** :- In view of the above finding on point No.1, I proceed to pass the following :--

O R D E R

The petition filed by petitioner / A.2 under Sec.482 of BNSS is hereby allowed.

The petitioner be enlarged on pre-arrest bail in the event of their arrest in Crime No.40/2026 of Respondent Police Station, for the offences punishable under Sec.303(2) of BNS 2023, on executing a personal bond for a sum of ₹50,000/- (Fifty Thousand Rupees only) with one surety for the like sum, subject to following conditions:-

1. The petitioner shall surrender before the Investigating Officer within 15 days from the date of this order. In the event of his appearance, the Investigating Officer is at liberty to interrogate him in accordance with law.
2. The petitioner shall appear before the

concerned police station as and when directed by the Investigating Officer in writing and co-operate with the Investigation Officer for further investigation.

3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.
4. The petitioner shall not threaten the prosecution witnesses directly or indirectly.
5. The petitioner shall move application for regular bail before the concerned court within one month from the date of this order.
6. The petitioner shall be regular in attending the court on all the dates of hearing.
7. The petitioner shall not indulge in similar offences in future.
8. The petitioner shall provide Mobile Number, WhatsApp Number, and E-Mail ID, and to intimate the court about the changes if any.
9. The petitioner shall produce self attested copy of the Aadhaar Card, in support of proof

of the residential address.

If the petitioner commit breach of any of the above conditions, the prosecution is at liberty to approach the court for cancellation of bail.

Inform the same to the concerned Police Station, accordingly.

(Dictated to Stenographer Gr.1, transcript corrected, signed and pronounced by me in the open Court on this the 16th day of June, 2026.)

(Vela.D.K)

**Prl. District & Sessions Judge,
Davanagere.**