

KADK010021972026



Presented on : 18-05-2026
Registered on : 18-05-2026
Decided on : 04-06-2026
Duration : 0 years 0 month 17 days

**IN THE COURT OF THE II ADDL. DISTRICT &
SESSIONS JUDGE, D.K., MANGALURU**

Present:

SRI. JAGADEESH V.N.

B.A., M.L.,

II Addl. District & Sessions Judge,
Dakshina Kannada, Mangaluru

Dated this the 4th day of June 2026

Crl.Misc./442/2026

Petitioner:

Shivananda,
Aged about 60 years
S/o. Late D. Venkatesh Prabhu,
R/at Kallagudde House,
Laila village and post,
Belthangady Taluk, D.K.

(By Sri V. Gangadhara Poojary, Advocate)

Versus

Respondent:

The State – through Belthangady P.S.
Represented by Public Prosecutor,
D.K., Mangaluru.

(By learned Public Prosecutor,
D.K., Mangaluru)

**ORDER ON THE PETITION FILED UNDER SECTION
482 OF THE BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023**

The petitioner has filed this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of anticipatory bail in Crime No.42/2026 of Belthangady Police station, registered for the offences punishable under Sections 420 and 408 of IPC.

2. Post Inspector, Belthangady Sub-Division, Belthangady has lodged a complaint on 29.04.2026. It was stated in the complaint that Shivanand, the accused was working as a Branch Post Master between 19.09.1988 and 20.09.2021 at Laila Branch Post Office. It is further stated in the complaint, the accused has

misused the funds of SB Accounts, Sukanya Samruddhi Account and other accounts of the customers and utilized the amounts deposited by the customers for his own use. It is stated in the complaint the accused has misused an amount of Rs.3,000/- pertaining to the account of Samyuktha P.M. minor represented by her mother guardian Mallika Kumari. With respect to the said misuse of the amount, Mallika Kumari lodged a complaint on 07.10.2021. Similarly, the accused has misused an amount of Rs.8,107/- pertaining to the account of Smt. Kalavathy. Smt. Kalavathy lodged a complaint on 06.10.2021. Further, the accused has misused a sum of Rs.5,000/- pertaining to the account of Sri Sheena. Sri Sheena has lodged a complaint on 13.10.2021 complaining misuse of his money by the accused. Similarly, the accused has misused a sum of Rs.3,500/- pertaining to the account of Kumari Thrisha P. Shetty represented by her father guardian Sri Prashanth Shetty. Sri Prashanth Shetty lodged a complaint on 13.10.2021. Similarly, the accused has misused an amount of Rs.4,000/- pertaining to the account of Kumari Bhuvana represented by her mother guardian Smt. Prameela. Smt. Prameela lodged a

complaint on 08.10.2021. In all, a sum of Rs.23,607/- was misused by the accused from different customers. Based on the said complaint, the police have registered a case against the accused in Crime No.42/2026 for the aforesaid offences.

3. It is submitted by learned counsel for the petitioner that even according to the complaint averments, the customers have lodged complaints way-back in the year 2021, but no action was taken by the complainant against the accused till 2026. Now, after lapse of 5 years, the present complaint was lodged. The petitioner never misappropriated or misused the accounts of the customers. If any such misappropriation was found, the complainant could have lodged complaint immediately when the amount was misappropriated, but no such complaint was lodged. At the fag end of his service, a false complaint was lodged against the accused. The petitioner is the permanent resident of the address mentioned in the cause title of the petition and would give complete cooperation to the investigating agency in completing the investigation. Hence, he seeks to enlarge the petitioner on bail.

4. The learned Public Prosecutor has filed objection along with Investigating officer report. It is contended by learned Public Prosecutor that no doubt in the complaint, it is stated respective customers have lodged complaints in the year 2021, but the complainant Post Office investigated the matter in Department and found the accused misappropriated the amount from the account of the customers. The investigation is still going on. The investigating agency has to collect materials. It is submitted by learned Public Prosecutor that the accused also misused the accounts of other customers and investigation is going on with respect to the same. If the accused petitioner is enlarged on bail at this stage, he will commit similar offence and may not appear before the court. Hence, she seeks to reject the bail application.

5. I have heard, learned counsel for the petitioner/accused and learned Public Prosecutor for State.

6. Having heard, counsels for petitioner and learned Public Prosecutor for State and on perusal of material placed on records, the following points that arise for my consideration;

1. Whether petitioner has made out reasonable grounds to enlarge him on anticipatory bail in the event of his arrest?

2. What order?

7. My findings to the above points are as follows;

Point No.1:- Affirmative

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

REASONS

8. **Point No.1:-** According to the complaint averments, the accused was working as a Branch Post Master for the period from 19.09.1988 to 20.09.2021 at Laila Branch Post Office. According to the complaint averments, the accused had misappropriated amounts in the accounts of the different customers and used the said amount for his personal use. The complaint averments indicate the customers have lodged complaints against the accused in the year 2021. From the complaint averments, it is not forthcoming what was the action taken based on the complaints lodged by the customers in the year 2021. The complaint was lodged against the

accused on 29.04.2026 after lapse of 5 years. Whether the accused misappropriated the amount or somebody misappropriated the amount, is a matter of investigation by the investigating agency. Taking into consideration of the delay in lodging the complaint and also the allegations made in the complaint, I am of the opinion that the accused petitioner is entitled to be enlarged on bail. Hence, I answer point No.1 in the 'Affirmative'.

9. **Point No.2**:- In view of aforesaid reasons, I proceed to pass the following;

ORDER

The petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner is hereby allowed.

The petitioner shall be released on bail in the event of his arrest in Crime No.42/2026 of Belthangady Police Station, D.K., for the aforesaid offences subject to following conditions.

1. He shall execute a personal bond for Rs.50,000/- with one surety for the

likesum to the satisfaction of the Investigating officer.

2. He shall co-operate with the investigating officer to complete the investigation.
3. He shall not tamper with the prosecution witnesses.
4. He shall appear before the jurisdictional court regularly.
5. He shall not involve in any crime or commit the similar crime.

(Dictated to the SG-I, typed by her, corrected and then pronounced by me in the Open court, on this the 4th day of June 2026)

(JAGADEESH V.N.)

II Addl. District & Sessions Judge,
D.K., Mangaluru.