

KAMD700003352026



**IN THE COURT OF THE  
III ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, MANDYA,  
[SITTING AT SRIRANGAPATNA].**

Dated this the 27<sup>th</sup> day of June, 2026.

PRESENT

**Smt. Jyothsna D,** LLB, LLM, DFA.  
III Addl. District and Sessions Judge, Mandya,  
[Sitting at Srirangapatna].

**Crl.Misc./5193/2026**

Petitioner : S Ravikumar S/o T N Shiva  
Rudrappa, 71 years, Residing at  
No.80/A2, 5<sup>th</sup> Main,  
Paramahansa Road, Panthra  
Palya, Near Water Tank,  
Bengaluru South, Nayandahalli,  
Bengaluru, Karnataka 560 019.

By Sri Pranshu Singh, Advocate.

-Vs-

Respondent: State of Karnataka,  
By Pandavapura Police Station,  
Mandya District.

By the learned Public Prosecutor.

**ORDER**

This petition is filed by the petitioner under Section 482 Bharatiya Nagarik Suraksha Sanhita seeking anticipatory bail in connection with the complaint

registered on 22.05.2026 bearing Reference No.PSI/WP-02/2026, Pandavapura Police Station against the petitioner by name S.Ravikumar, lodged by one Srinidhi Thimmaiah.

2. It is contended in the petition that the petitioner is a senior citizen aged about 71 years. He is in no way connected or related to the complainant and he hails from a respectable family and he is a law abiding citizen. It is alleged that the petitioner along with his son by name Akarsha Ravi Kumar Thuruvekere, presently residing at USA, dishonestly cheated the complainant by way of Sale Deed dated 16.08.2025 concerning dry land bearing Sy.No.42 and 43 admeasuring to an extent of 4 acres 33 guntas bearing No.86, situated at Mandya District, Pandavapura Taluk, Kasaba Hobli, Vadesamudra Village for a total sale consideration of Rs.20,26,500/- paid vide cheque Nos.000146 and 000147 via HDFC Bank, Girinagara, Bengaluru.

3. Further, it is alleged that the petitioner has dishonestly cheated the complainant by not issuing the cheques and not paying the sale consideration amount in furtherance to the said Sale Deed. In view of said allegations, the respondent through the Sub Inspector of

Police, Pandavapura Police Station, issued notice dated 30.05.2026 under Section 173[3] Bharatiya Nagarik Suraksha Sanhita to the petitioner directing his physical appearance before the Enquiry Officer, on 01.06.2026 at 11.00 a.m. to record his statement concerning the preliminary enquiry initiated against the complainant. The petitioner through his legal counsel duly appeared before the respondent through the Sub Inspector of Police, Pandavapura Police Station on 01.06.2026 and filed his detailed reply to said notice thereby denying the allegations of the complaint. He further sought exemption from his physical appearance before the respondent citing his senior age and duly apprising the respondent that the petitioner is willing to co-operate in the investigation by providing all documents to the counsel. However, the respondent called the petitioner multiple times on his mobile phone and kept pressurizing for physical appearance of the petitioner.

4. The respondent also expressed his intention to proceed with the registration of F.I.R. against the petitioner erroneously holding the ingredients constituting the alleged offence of cheating punishable under Section 318 of Bharatiya Nyaya Sanhita seems to be satisfied. It is

further verbally conveyed by the respondent that he may issue further notice upon the petitioner for securing his physical appearance and proceed with the investigation. Hence, the petitioner is under reasonable apprehension that he can be arrested any moment without providing a due opportunity to exercise his legal remedies in an arbitrary and mechanical manner. The respondent through his conduct and pressing tactics assumed the role of adjudicator without culmination of investigation and failed to consider the repeated requests of the petitioner that he is a senior citizen who is a resident of Bengaluru and that directing his physical appearance is not mandatory under law and that the same can be ensured through virtual mode also.

5. However, the respondent is hellbent on ensuring physical appearance of the petitioner in a mechanical manner. The said conduct of the respondent is arbitrary and unconstitutional. Hence, there is reasonable belief to apprehend that respondent No.2 may proceed with registration of F.I.R. and with subsequent arrest of the petitioner in the same mechanical and routine manner thereby seriously prejudicing the constitutional rights of the petitioner.

6. The factual matrix of the case of the petitioner in brief is that the petitioner's son and the complainant are known to each other since 2017-18 and for the purpose of their business transaction they incorporated a company under the name and style Dhare Land Developers and Consultant Private Limited, for carrying real estate business. There are two Directors to the company. Among them one is petitioner's son and the other is Divya J / complainant's wife. Several transactions have taken place between them in the name of the company. In the said transaction the question of facts and law arises and accordingly, the complainant has filed complaint before Pandavapura Police Station. On that basis several Sale Deeds in the form of Deed of Restitution and Reconveyance took place to restore and re-transfer the property. Accordingly, the transaction undertaken via Sale Deed dated 16.08.2025 cannot be construed as a fresh Sale Deed giving rise to any lawful gain or consideration in favour of the complainant rather it was merely a bonafide measure undertaken to affect restitution and to restore the lawful ownership of the property. More over, the sale consideration of INR 20,26,500/- as mentioned in the said Sale Deed dated 16.08.2025 is a formal / statutory recital required for registration purpose and in

no manner whatsoever represent an actual commercial transaction as the entire basis of the Sale Deed was restitution of immovable property fraudulently in between said transaction several Sale Deeds and agreements alleged to be fraudulently executed.

7. Though all the question of controversy between the petitioners, complainant, complainant's wife and petitioner's son. It is stated by the petitioner that the present complaint is a counter blast to the complaint bearing reference No.PER-02-2026 dated 22.05.2025 filed by Akarsh Ravikumar Thuruvekere against M.Srinidhi Thimmaiah and Divya.J and their co-conspirators before the Metagalli Police Station. The complainant, his wife and others fraudulently took away the company's property where the petitioner's son is a Director. The contents of the complaint as appearing in notice dated 30.05.2026 even if it is taken to be true does not constitute a criminal offence, but gives rise to a civil dispute, that took attract the offence of cheating under Section 318 of Bharatiya Nagarik Suraksha Sanhita. It is imperative to establish that the accused possessed a dishonest or fraudulent intention at the very inception of transaction. Such intention is not there on the part of the

petitioner. The petitioner is falsely implicated in the case with malafide intention of the complainant to harass, humiliate and settle personal score of his ongoing disputes. The complainant has intentionally concealed material facts and has approached a public office with unclean hands. The complainant has deliberately omitted to disclose that disputes had already arisen between him and petitioner's son concerning financial transactions, land holds, recoveries and business arrangements. The complaint seeks to portray a simplicity and distorted version of facts while concealing larger commercial and fiduciary dispute ongoing between the parties. The allegation of compete fraud and nonpayment of consideration truly been genuine. The natural conduct expected from the complainant and company would have been immediate institution of proceedings for cancellation of Sale Deeds before the competent civil Court, proceedings for declaration and intention concerning title and recovery proceedings concerning alleged unpaid sale consideration. Surprisingly, the complaint falsely lodged against the petitioner which is a coercive tactics of the complainant and his wife.

8. The learned Counsel for the petitioner relied upon the Judgment of Hon'ble Supreme Court of India in the case between Arvind Kumar R v/s State of Karnataka and others reported in Criminal Petition No.5800 of 2026, gurbaksh Singh Sibbia and others v/s State of Punjab reported in 1980[2] SCC 565 and the relied portion of said citations are reproduced in the petition. It is submitted that the allegations contained in notice are wholly false and baseless. At the outset the petitioner has no role whatsoever in the alleged incident without prejudice to this while the notice is silent on any offences alleged, the bare ingredients of any offence or criminality are conspicuously absent from the complaint. At the best the allegations pertaining to a civil dispute the complainant is highly influential in Society. The alleged offences are non-bailable. He has deep roots in the Society. There is no chance of his abscondance. He is ready to abide by any conditions that may be imposed by this Court and furnish surety to the satisfaction of the Court and appear before the Court on all hearing dates.

9. On the other hand, learned Public Prosecutor has filed objections contending that there is a complaint received by the respondent Police against the petitioner in

respect of property in Sy.No.42, 43 of Vadesamudra Village, Pandavapura Taluk, herein he has executed Sale Deed for an amount of Rs.20,26,500/- and issued cheque bearing Nos.000146 and 000147. But, he has not given the consideration amount. Accordingly, he committed cheating. The alleged offences are punishable with imprisonment for 7 years and with fine. There are prima facie case made out against the petitioner. If at this stage he is enlarged on bail, there are chances of he committing similar offences and tampering the destroying the prosecution evidence. Inter-alia on all these grounds, the learned Public Prosecutor prays to reject the bail petition.

10. Heard both side. Perused the material on record.

11. On the basis of the above materials, the following points arise for determination of this Court;

1. Whether there are grounds to enlarge the petitioner on bail?
2. What order?

12. The findings of this Court to the aforesaid points for consideration are as under;

Point No.1 :In the affirmative.

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

## REASONS

13. **Point No.1:** The The learned Counsel for the petitioner argued that he is a senior citizen aged 71 years. Within his participation, complaint came to be registered against him to create fear in the mind of his son who is residing at USA. The petitioner is not able to visit the Police Station frequently due to old age ailments. Further, at this age he is not able to bear the frequent phone calls from the Police to appear before the Police Station. As per the Judgment of the Hon'ble Supreme Court, which are mentioned in the petition are very relevant to this case as registration of F.I.R. is not a mandate for enlarging the petitioner on bail. Only on the basis of any proof of antecedents of arrest for some cases are suffice to grant bail. In this case as per the documents and pleadings produced by the petitioner, he is entitled for grant of bail. In this case as per the documents and pleadings produced by the petitioner, he is entitled for grant of bail. Hence, prayed for grant of bail.

14. On the other hand, learned Public Prosecutor argued that it is an admitted fact that there is a company established by the petitioner's son and complainant's wife

with other Directors. Further, the offence of cheating is not a simple offence. If he is enlarged on bail, there is a chance of absconding prior to filing of F.I.R. Therefore, prayed to reject the petition.

15. On perusal of materials on record, the petitioner has produced copies of Sale Deeds dated 16.08.2025 executed by the complainant in favour of the petitioner herein and Sale Deed dated 08.12.2021 executed by K.S.Madhusudhan and others as sellers purchased by Akarsh T.R. in favour of Dhare Land Developers and Consultant Private Ltd., On the same day other two Sale Deed were executed by Divya J as a representative of Dhare Land Developers and Consultants Private Ltd., in favour of Srinidhi Thimmaiah. It shows that properties purchased by one of the member of company that is son of petitioner sold by another member Divya wife of complainant. Both the transactions has taken place in the company's name. The police notice shows that it is sent to the petitioner in respect of transactions pertaining that properties wherein cheques issued regarding the said transactions. The transactions are regarding property, but whether this petitioner has any participation or his overtact is matter of trial. The

contention of petitioner is his son and wife of complainant jointly incorporated a company which deals with property matters. There is a chance of lodging FIR against him to create fear in the mind of his son who is living far away from India. The learned counsel for petitioner undertakes that his client will abide all the conditions imposed by this Court while granting on bail and he shall co-operate for investigation.

16. The learned Counsel for the petitioner in his arguments stated that under the guise of other Directors including the complainant's son, the complainant's wife has executed Sale Deeds dated 04.07.2024, 13.02.2025 in favour of Srinidhi Thimmaiah under which the property purchased in the name of Dhare Land Developers and Consultant Ltd., through petitioner's son as a Director and without his knowledge sold to the complainant who is husband of that seller.

17. The documents produced by petitioner show that there is a civil dispute between the parties and the complaint. But, the Police notice issued on 30.05.2026 shows that the petitioner has issued above mentioned cheques pertaining to the sale consideration which is executed by his son pertaining to Sy.No.42 and 43 of

Vadesamudra Village. In this notice it is intimated that, it is just for recording of statement of this petitioner. In such circumstances, anticipation of arrest is remote.

18. But, considering the age of the petitioner and the facts and circumstances of the case, if this petition is allowed to the extent of subject matter mentioned in the Police notice dated 30.05.2026 with stringent conditions, will not prejudice the prosecution case.

19. It is presumed that “the accused is innocent until the guilt is proved beyond all reasonable doubts, in full fledged trial by the prosecution. Until then it is not proper to put the accused in jail as a measurement of pre-trial punishment”.

20. It is settled position of law by the Catena of decision of Hon’ble Apex Court and various High Court that “the bail is the rule and jail is an exception and securing the presence of accused for trial and protection of witnesses from tampering are main consideration at the stage of granting bail”.

21. The petitioner claims to be the permanent resident of the address shown in the cause title of the bail petition. It is urged that the petitioner is ready and willing

to furnish surety to the satisfaction of the Court to ensure his availability before the Investigating Officer and the Court for investigation and trial into the matter. As such, possibility of the petitioner remaining absconding is too remote.

22. The apprehension and interest of the prosecution that the petitioner may tamper with the prosecution witnesses or he may abscond can be taken care and safeguarded by imposing suitable conditions. Hence by considering all these aspects, this Court is of the opinion that the petitioner is entitled for bail for the extent of alleged anticipation of registering of FIR regarding the matter exactly narrated in this petition. This bail granted is not applicable to any other future cases may filed against this petitioner and accordingly, point No.1 is answered in the affirmative.

23. **Point No.2 :** In view of the reasons and discussions and the findings on point No.1 in the affirmative, this Court proceeds to pass the following;

### **ORDER**

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

The respondent police is hereby directed to release the petitioner on bail in the event of his arrest in connection with Reference No.PSI/W.B./02/2026 at Pandavapura Police Station, on execution of his personal bond for Rs.1,00,000/- [Rupees one lakh only] with one surety for the like sum, subject to the following conditions:

1. The petitioner shall appear before the respondent Police within 15 days from the date of receipt of this order and co-operate with the Investigating Officer in investigation and interrogation with regard to No.PSI/W.B./02/2026 at Pandavapura Police Station as required under Police notice dated 30.05.2026.
2. He shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
3. He shall not indulge into the acts similar to one alleged against himself.
4. The Investigating Officer shall identify and examine the genuinity of documents produced by the surety.

[Typed to my dictation by the Stenographer Grade-1, directly on Computer, corrected by me and then pronounced in open Court on this 27<sup>th</sup> day of June, 2026]

**[Jyothsna D.]**

III Addl. District & Sessions Judge,  
Mandya, [Sitting at Srirangapatna].

