



**IN THE COURT OF THE II ADDL. DISTRICT AND
SESSIONS JUDGE, MYSURU**

Dated this the 19th day of June 2026

:: PRESENT ::

Sri. Mohan Badagandi,
B.Com., LL.B (Spl.,)
II Addl. District & Sessions Judge,
Mysuru.

Crl.Misc./912/2026

PETITIONER : N. Venkatesha,
S/o. Nanjundaiah,
Aged about 50 years,
R/at. # 308, 9th Cross,
G-Block, Vivekananda Circle,
R.K.Nagar, Jt. Extension,
Mysuru.

(By : **Sri. P.B.S.,** - Adv.,)

V/s

RESPONDENT : State by Saraguru Police Station,
Mysuru.
R/by Public Prosecutor,
Mysuru.

(By : **Public Prosecutor**)

: ORDER ::

This is the petition filed under Section 438 of Cr.P.C,
seeking anticipatory bail order in Cr.No.152/2021 of

Respondent Police Station for the offences punishable under Sections 420, 465, 468, 471 R/W Sec.34 of I.P.C.

2. The Petitioner has contended that, he is innocent and law abiding citizen, he did not commit any offence as alleged by the Respondent police, he is falsely implicated in the case. There are no evidence to prove complaint and the complainant lodged the complaint only on the basis of suspicion ground. He is the permanent resident of Mysuru District, he has got movable and immovable properties in his name. He is well reputed person in the locality, he hails from respectable family, if the bail is not granted, his family members would suffer lot of inconvenience and his reputation will be spoiled in the locality. The Respondent police have tried to apprehend him and visited to his house and causing harassment to him. He undertakes to offer surety to the satisfaction of the Court and ready to abide by the conditions that may be imposed by this Court and appear before the Court on all future dates of hearing without fail. Further, undertakes to co-operate with the I.O. at the time of investigation and not to tamper with the prosecution witnesses if any. The offences alleged are not punishable with death or imprisonment for life. Hence, he has prayed to allow the petition.

3. Per contra, the learned Public Prosecutor has filed objections with IO report by narrating the facts of the prosecution and further contended that, the alleged offences are non bailable in nature. The offence punishable under Section 420 of I.P.C. is punishable with imprisonment for 7 years and fine. The I.O. conducted the Mahazar after getting registered the case. The documents relating to Powthi khatha is still to be collected. Information regarding name and designation of the officials who made Powthi khata and their work certificates are still to be collected. The Petitioner is a Government employee, he has not discharged his duties properly and gave information and based on his report the death extract of the defacto complainant created and accused No.2 to 5 have taken disadvantage of the such entry. It is found that he has not visited the village and has not verified the documents relating to Powthi khatha. Information regarding whether the Petitioner involved in any other case is still to be collected. Statements of direct and circumstantial witnesses are still to be recorded. If the petition is allowed, there would be chances of absconding the Petitioner, accused would threaten the prosecution witnesses and tamper the evidence and win over the prosecution witnesses. He is politically, economically influenced person. Hence, there is also chance that he would delay the investigation. On these grounds, learned Public Prosecutor has relied on the decisions of the Hon'ble

Supreme Court and various High Courts rendered in (1). ***Y.S.Jagan Mohan Reddy V/s. CBI*** (AIR 2013 SC 1933), (2) ***CBI V/s. Vijay Sai Reddy*** (AIR 2013 page 2216), (3) ***Ash Mohammed V/s. Shiv Raj Singh @ Lalla Babu and another*** (2012 Cr.L.J.4670), (4) ***Nimmagadda Prasad V/s. CBI*** (AIR 2013 SC 2821), (5) ***State of Maharashtra V/s. Anand Chintaman Dighe*** (1990 AIR SC 625), ***Venkataramanappa and others V/s. State of Karnataka*** (1992 Cr.L.J 2268) without made available the said decisions for perusal of the Court. Hence, she has prayed to dismiss the bail petition.

4. Heard. Perused the entire records made available.

5. The following points arise for my consideration:

1. Whether the Petitioner has made out reasonable grounds to exercise discretionary power in his favour vested under Section 438 of Cr.P.C.?

2. What order ?

6. My findings to the above points are as under :

POINT NO.1 : In the **Affirmative**

POINT NO.2 : As per the final order for the following:

REASONS

7. **POINT NO.1:-** The case of the First Informant is that, complainant has land bearing Sy.No.01 measuring 2.05 acres and Sy.No.41/01 measuring 01.20 guntas situated at Manchanahalli village. They stand in his name. On 05.06.2021 he had been to Saraguru Nadakacheri, he came to know that the name of Sakamma W/o. Late Nanjundegowda, Shivanna S/o. Nanjundegowda, Beeregowda, S/o. Late Nanjundegowda, Sudha D/o. Nanjundegowda, Shobha, D/o. Late Nanjundegowda and Kumar S/o. Late Nanjundegowda resident of No.357 of Nadanahalli village in the RTC. Thereafter, he immediately contacted Village Accountant/Petitioner Venkatesh and enquired the same and came to know that the above said persons created her Death Certificate stating that he had passed away on 02.10.1980 and transferred his land to their names/accused No.2 to 5. Hence, he lodged the complaint.

8. The meticulous reading of the First Information and other documents made available by both the sides would go to show that though the alleged offences are non bailable in nature, but not punishable with imprisonment for life, death or imprisonment not more than 7 years. Even if the alleged offences are proved, the sentence may be reduced to great extent.

9. The Petitioner is the Village Accountant, he is the public servant, it is not the case of the Prosecution that Petitioner has been absconding since the registration of the crime against him. The alleged offence depends on the documentary evidence and alleged offences took place before 07.11.2021. The documents are very much available at the office, they can be secured easily. If the Respondent police have required the personal presence of the Petitioner for investigation, they would have given atleast the notice to the Petitioner at the earliest stage. The Respondent police have taken more than 4 ½ years, till date no progress has been taken place in the investigation.

10. The alleged offence are non bailable in nature. hence Petitioner has reasonable apprehension of the arrest. Further, the beneficiary of the alleged entry in the ROR of the complainant are accused No.2 to 5. Petitioner is the Village Accountant and he is in service also. The address of the Petitioner has not been disputed by the prosecution seriously. There is no chance of he flees from justice. So the Petitioner can easily be secured for investigation. He would give the report based on the applications. If the Petitioner is directed to appear before the investigating Officer same would facilitate the investigation as well.

11. The identification of the Petitioner is not in dispute. The apprehension of the prosecution can be met with by imposing stringent conditions. Moreover offence is punishable with imprisonment up to 7 years is not only a ground to reject the petition.

12. By considering the facts and circumstances of the case, nature and gravity of the offences, specific overt act by the Petitioner, age, profession and residence of the Petitioner, FIR registered 4 ½ years ago, identification of Petitioner is not in a dispute, alleged offence depends on the documentary evidence, I am of the opinion that it is a good case to exercise the discretionary power vested under Section 438 of Cr.P.C subject to reasonable conditions to satisfy the objections of the learned Public Prosecutor. Accordingly, **I answer Point No.1 in the Affirmative.**

13. **POINT NO.2:-** In the result, I proceed to pass the following:

ORDER

The petition filed under Section 438 of Cr.P.C is allowed.

The Petitioner is ordered to be released on bail in Cr.No.152/2021 of Saraguru Police Station on executing personal bond for

₹ 50,000/- and surety for like sum with the following conditions:

1. He shall appear before the I.O. within 15 days from the date of this order and offer surety.
2. He shall appear before the I.O. every 2nd and 4th Sunday between 11.00 am., to 2.00 pm., till filing the Charge sheet or 60 days from the date of this order whichever is earlier.
3. He shall appear before the jurisdictional Magistrate within 15 days after complying of condition No.1.
4. He shall not tamper the evidences or threaten the prosecution witnesses in any manner.
5. He shall co-operate with I.O for investigation.
6. He shall not commit similar offences in the future.

[Dictated to the Stenographer Gr-III directly on computer, corrected, and signed by me and then pronounced in the Open Court, on this the **19th day of June 2026**]

(Mohan Badagandi)

II Addl. District & Sessions Judge,
Mysuru.