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**IN THE COURT OF THE XCII ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-93)**

Present: **SRI. BALACHANDRA N. BHAT**
XCII Addl. City Civil & Sessions Judge
& Spl. Judge for KPIDFE Act and BUDS Act
Bengaluru.

Dated this the 04th day of August, 2026

Crl.Misc.No:5493/2026

Petitioner / Applicant:	Shivanand Siddappa Neelannavar Aged about 47 years, Occupation : Business, R/o Plot No.119 in front of Basaweshwar Co-operative Shivabasav Nagar, Belagavi.
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(By Sri. Patil Ravindra Goudappa - Adv)

V/S

Respondent/ Opponent:	State by the Karnataka, By Malamaruthi Police Station and DYSP DFID CID, Bengaluru.
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Represented by learned P.P Belgavi.

**ORDER ON BAIL APPLICATION FILED UNDER
SEC.483 OF BNSS Act.**

1. The learned counsel for the petitioner has filed an application under section 483 of the BNSS - 2023 seeking an order to enlarge him on bail for the offences punishable under sections 21(1) (2) of the BUDS Act, Under Section 9 of the KPIDFE Act, and 318(4) R/w section 3(5) of the BNS -2023.

2. The crux of the case on hand could be summarised as follows;

The petitioner along with other petitioner is alleged to have formed number of associations ie., Shivam Associates, Shivam Seva Pvt., Ltd., etc., raised deposits from the public with the promise of lucrative returns. Thereafter the petitioner is alleged to have invested the amount received by way of deposit from the public in the share market and had used the benefits accruing thereon for his personal activity. The petitioner is alleged to have raised deposits from as many as 35000 individuals to a tune of crores of rupees. Hence the case came to be registered based on the first information statement of arcs. The grounds on which the petitioner is

seeking an order of bail could be summarised as follows;

(a). The transactions are alleged to have taken place since 2016 and FIS came to be lodged only on 15.05.2026.

(b). The informant is an assistant registrar of co-operative society based on whose FIS in the present case came to be registered.

(c). Apart from the informant no other members of the public or depositors have complained of any illegality in the conduct of business.

(d). The alleged offences are neither punishable with death nor imprisonment for life.

(e). The petitioner alleged that, he is having deep roots in the society, and he is permanent resident of Belagavi, hence there is no chances of absconding.

(f). The petitioner alleged that, he had undertaken to abide by the conditions to be imposed by this court to grant of bail.

Hence the bail application came to be filed.

3. This court was established on 01/06/20206, no

S.P.P was notified as on the said date, hence the petitioner / accused has already released on an interim bail. Now the S.P.P has appointed and has filed detailed objection.

4. The crux of the objections filed by the prosecution to this petition are as follows;

The objection would narrate regarding the gravity of the offence which is not in dispute and at the same time the objection would refer to other cases registered against the accused/ petitioner. The petitioner along with other accused have committed the offence alleged against them. There is huge amount cheated by the petitioner to de facto complainant and others. It is alleged that the petitioner/ accused has started organization 'Shivam Associates' in the year 2016 by collecting the deposits from the public, that they have assured lucrative returns on the investment amount, thereby cheated the complainant and others without refunding the deposited amount nor providing the higher interest. Further the investigation is still pending, hence if he release on bail, he may chances to abscond or threaten the prosecution case. Accordingly prays for reject the bail application.

5. On careful verification of the materials placed before this court, the point that would arise for consideration are

Point No.1:- Whether the petitioner has made out sufficient grounds to allow the application filed under section 483 of the BNSS and enlarge him on bail?

Point No.2:- What order?

6. Heard the learned counsel for the petitioner and perused the materials on record. I have answered the points in the following;

Point No.1: In the Affirmative,

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

REASONS

7. POINT NO.1:- It would add to the volume of the order if the facts leading to the present case are again reiterated. The allegation made against the petitioner specifically is that he had raised deposits from 35000 individuals to a tune of more than crores of rupees promising them lucrative returns. However thereafter the petitioner had failed to honour the promise made. Hence

the present case.

8. The learned counsel for petitioner / accused submitted that, the entire allegations made against the petitioner are offences that are neither punishable with death nor imprisonment for life. The petitioner is ready to abide any conditions imposed at the time of granting bail. Hence prays to allow the petition.

9. As against this, the learned P.P has urged that in this case the petitioner including the other accused have received such huge amount with an intention to defraud the depositors. Investigation is still in progress. Therefore if he is released on bail, there is every likelihood of the petitioner remaining absconded and threaten the prosecution witnesses. There is also the likelihood of the petitioner tampering the prosecution materials. Hence prays for reject the bail application.

10. There is no doubt that the offences alleged are neither punishable with death nor imprisonment for life. The petitioner was arrested by the police on 16.05.2026 and was remanded to police custody as well. Thereafter the petitioner was produced and remanded to judicial custody. Since then the petitioner has been in the

judicial custody and he was released on 12/06/2026 on interim bail. The offences alleged are yet to be investigated into and tried. Until then the petitioner is presumed to be innocent. The learned counsel for the petitioner would take me through the materials which would be to decide on a matter premature and a mini trial which are contrary to the established principle of law. This court at this stage cannot go into the minute details of the materials placed by the prosecution. Suffice to say that the accused is presumed innocent until proved guilty. However the petitioner has undertaken that he would abide by the conditions to be imposed by this court and is ready and willing to offer surety to the satisfaction of this court. Therefore it would not be proper in law to refuse to enlarge the petitioner on bail. The learned counsel has relied upon the judgment in the case of **Issma and others vs state of up**. The principle in the judgment of the hon'ble high court of allahabad is followed. The offences in that case were punishable under the provisions of the Indian Penal Code only. In so far as the offence under the provision of kpidfe act is concerned the application of section 438 of the crpc/ section 482 of the bnss has been excluded under section 18 (2) of the kpidfe act. However there is no such bar under the provisions of the buds act. Accordingly I have

answered the point No.1 in the affirmative.

11. POINT NO.2:- In view of my answer to the point no.1 i proceed to pass the following;

ORDER

The application filed under section 483 of the BNSS, 2023 is hereby allowed subject to the following conditions:-

1. The petitioner shall execute personal bond for Rs.3,00,000-00 with one surety for the likesum.
2. The petitioner shall not commit offence.
3. The petitioner shall not remain absconded.
4. The petitioner shall neither tamper with the prosecution materials nor threaten the witnesses.
5. The petitioner shall co-operate with the I.O until the investigation is

complete.

6. The petitioner shall not leave the territories of India without a prior permission of this court.

(Dictated to the Stenographer and typed by her, revised and correct by me and then pronounced by me in open court, this the **04th day of August 2026**)

(SRI. BALACHANDRA N. BHAT)
XCII ACC & SJ & Spl. Judge for
KPIDFE Act and BUDS Act, Bengaluru.