

KASM600003252026



**IN THE COURT OF V ADDL. DISTRICT &
SESSIONS JUDGE, SHIVAMOGGA,
(SITTING AT SAGAR)**

PRESENT **Sri. Ravindra R. B.A.L., LL.M.**
V Addl. District & Sessions Judge,
Shivamogga. (Sitting at Sagar).

Dated this the 17th day of June, 2026

Crl.Misc.No.10143/2026

PETITIONERS:1. Saleem Basha
 S/o Mansur Sab,
 Aged about 31 years,

2. Mujeeb
 S/o Mansur Sab,
 Aged about 44 years,
 Both are R/at Society Keeri,
 Behind Masque,
 Shikaripura Taluk,
 Shivamogga District.

[represented by–
Sri.Kannappa G- Advocate]

-Vs-

RESPONDENT : State of Karnataka by
Police Inspector,
Sagar Town Police Station,
Sagar town,
Shivamogga District.

[represented by:
Public Prosecutor]

ORDER

This petition is filed by the petitioners under Section 482 of B.N.S.S., 2023 seeking a direction to respondent-Police to release them on bail in the event of their arrest in (Zero Crime No.0001/2026 of Shikaripura Rural Police station) Crime No.104/2026 of Sagar Town Police Station registered by the respondent-police for the offences punishable under Sections 336(2), 336(3) and 318 (4) of BNS, 2023 r/w/Sec.66(d) of I.T.Act-2000.

2. Brief facts that led to this petition are under:

One Smt.Gayathri G W/o Late Ganesh lodged first information before the respondent police that, she is the wife of one Ganesh. Her husband i.e., Ganesh had purchased one lorry from one Harish. Her husband expired on 16.09.2025. In order to overcome the financial

difficulties, she decided to sell the said lorry. The accused no.1 and 2 came forward to purchase the said lorry for a sum of Rs.8,60,000/-. On 27.02.2026, she executed an agreement to sell the said lorry in favour of the accused persons. The accused persons paid an advance of Rs.5,000/- to her and said that they will pay the remaining amount of Rs.8,55,000/- when the ownership of the lorry is transferred to their names and she agreed for the same. After two months, since she needed money, she went to the house of the accused persons to ask the remaining amount. At that time, only accused no.2 was in the house. When she enquired the accused no.2 about accused no.1, he said that, he does not know where the accused no.1 had gone. When she was in the house of the accused persons, one Manju of Sriram Finance came there to recover the loan amount. When she enquired the said Manju, he informed that the ownership of the lorry has been transferred to the name of accused persons and they have taken loan on the said lorry and he has to come to recover the said loan amount. Thereafter, she went to RTO and procured the documents of the lorry. After verifying the documents, she found that on 04.03.2026, the accused persons had forged

the signatures of her husband on the form no.30 and transferred the ownership of the lorry to their names. Hence, she lodged first information to take action against the accused persons.

3. Based on the said information, the respondent-Police registered FIR against the accused persons. Now, the petitioners who are apprehending their arrest at the hands of respondent-Police, have filed this petition seeking pre-arrest bail on the following amongst other grounds:

The petitioners are innocent of the offences alleged against them and they have not at all committed any offences. They have been falsely implicated in this case. They hail from respectable family and having good reputation in the society. They have no bad antecedents. They have undertaken to abide any terms and conditions that may be imposed by this court while granting bail. On these among other grounds, the petitioners have sought this Court to grant them pre-arrest bail.

4. The bail petition is opposed by learned Public Prosecutor by filing objections. It is contended that the

petitioners have committed serious offences. There is a prima-facie case against them. Investigation is still in progress. At this stage, if the petitioners are released on bail, there are chances of them giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process. Hence, prayed to reject the petition.

5. Heard both the sides.

6. The following points arise for my determination:

1. Whether the petitioners have made out sufficient grounds for grant of anticipatory bail?

2. What order?

7. My findings to above points are:

Point No. 1: In the Affirmative.

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

REASONS

8. **POINT NO.1:** The petitioners along with petition have produced a certified copy of FIR, first information, requisition and Aadhaar cards.

9. The petitioners are accused of commission of offences punishable U/Sec.336(2), 336(3) and 318 (4) of BNS, 2023 r/w/Sec.66(d) of I.T.Act-2000. As the offence under Section 336(3) of BNS is non-bailable, apprehension of accused-petitioners of their arrest is well founded. As such, they can maintain this petition.

10. The learned counsel for petitioners urged that the petitioners have not committed any offences as alleged by the first informant. They have been falsely implicated in the case. On the other hand, the learned P.P. submitted that there is a prima-facie case against the petitioners. If they are released on bail, there are chances of petitioners giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process.

11. The allegations made against the petitioner are that, they by forging the documents and forging the signature of the first informant's husband got transferred the ownership of the lorry to their names. It is the contention of the petitioners that, they have been falsely implicated in this case. They hail from respectable family

and having good reputation in the society. They have no bad antecedents.

12. Perusal of the first information reveals that, the first informant has informed that the said lorry is in her possession. It is the specific contention of the petitioners that, they have not committed any offences as alleged by the first informant. The first informant only with an intention to harass the petitioners, has lodged false information against them. However, the allegations made against the petitioners have to be proved at full-fledged trial. The offences alleged against the petitioners are not punishable either with death or imprisonment for life. They undertake to abide by any terms and conditions. There are no allegations of accused-petitioners having criminal antecedents. In the facts and circumstances made out, considering the gravity of the offences, I am of the opinion that the accused-petitioners are entitled for an order of pre-arrest bail. Apprehension of prosecution can be met by imposing stringent conditions and by obtaining sufficient surety to the satisfaction of the court. Hence, I hold that the petitioners are entitled for an order of

anticipatory bail. Accordingly, point under consideration is answered in **Affirmative**.

13. **POINT NO.2:** In view of my discussions and finding to above point, I proceed to pass the following:

ORDER

Petition filed by petitioners under Section 482 of B.N.S.S. is hereby allowed.

Consequently, in the event of arrest of petitioners in (Zero Crime No.0001/2026 of Shikaripura Rural Police station) Crime No.104/2026 of Sagar Town Police Station, registered by the respondent-police for the offences punishable under Sections 336(2), 336(3) and 318 (4) of BNS, 2023 r/w/Sec.66(d) of I.T.Act-2000, they are ordered to be released on bail, on their executing personal bond for a sum of Rs.1,00,000/-each and shall furnish one surety for like-sum to the satisfaction of the investigation officer on the following conditions:

1. The petitioners shall appear before the investigation officer on or before one month from the date of this order and in that event Investigation Officer to take bonds and to release them.

2. They shall appear before the investigation officer as and when called upon and co-operate with the investigation.

3. They shall not give threat to the prosecution witnesses in any manner.

4. They shall not indulge in similar offences in any manner.

5. They shall appear before the Court on all the dates of hearing unless prevented by any genuine cause and exempted by the Court.

(Dictated to the Stenographer transcribed by her and transcript, corrected by me and then pronounced in open Court on this the **17th day of June, 2026**)

(Ravindra R.)

V Addl.District & Sessions Judge,
Shivamogga. (Sitting at Sagar).