



**IN THE COURT OF II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT TUMAKURU**

Dated this the 10th day of June 2026.

Present : Smt. N.Narasamma., B.A.L., LLB.,
II Addl. District and Sessions Judge,
Tumakuru.

Crl.Mis.No.822/2026

Petitioners:

- 1.Yogesh
C/o Late Giriyappa,
A/a 40 years,
R/at Karehalli,
Obalapura,
Bengaluru Rural.
- 2.K. Narayan
S/o Late Kambaiah
A/a 60 years,
- 3.K. Narasegowda
S/o Late Kambaiah
A/a 58 years,
4. K. Krishnamurthy
S/o Late Kambaiah
A/a 51 years,
Petitioner No. 2 to 4 are
R/at Manchakal Kuppe

Hirehalli post,
Urdigere Taluk,
Tumakuru District.

(By Sri. HK., Advocate)

- versus -

Respondents: 1.State by Tumakuru
Town Police station.

2.Shylaja K.R
W/o Ramesh
A/a 41 years,
R/at Kodagihalli village,
Kasaba Hobli,
Turuvekere Taluk,
Tumakuru District.

(By learned Public Prosecutor).

ORDER ON PETITION FILED U/sec.482 of BNSS

The petitioners are seeking bail in anticipation of arrest U/sec.482 of BNSS in Cr.No.157/2026 for the offences punishable u/sec.316(2), 318(4), 319(2), 340(2) R/w Sec.3(5) of BNS registered by the respondent police.

2. The petitioners in the petition stated that, they are innocents and law abiding citizens and they have not committed any offences as alleged by the prosecution and the complainant has filed false and frivolous complaint against the petitioners and the petitioners hail from respectable family and having deep root in the society. The petitioners are permanent residents of their native having movable and immovable properties in their locality and there are no bad antecedents against the petitioners. The alleged offences are neither punishable with death nor imprisonment for life. The petitioners are ready to offer substantial surety to the satisfaction of this court and under take that they will not tamper with the prosecution witnesses or investigation and abide by the conditions that may be imposed by this court. The respondent police are making hectic efforts to arrest the petitioners and parade them in public. On these grounds the petitioners prayed to allow the petition.

3. The learned public prosecutor filed objections by contending that, the bail petition is not maintainable and if the petitioners are granted bail, then there are chances

of petitioners threatening the prosecution witnesses and there is every possibility of petitioners tampering with the prosecution case, jumping the bail, destroy the evidence and try to commit similar offences. There are no reasonable grounds made out to enlarge them on bail. Hence the learned public prosecutor prayed to reject the bail petition.

4. Heard the learned public prosecutor and the learned counsel for the petitioners. Perused the records available.

5. The points that arise for my consideration are :

1. Whether the petitioners are entitled for bail U/sec.482 of BNSS.?

2. What order?

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

Point No.1:- In the **Affirmative**

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

REASONS

7. **Point No.1:-** As per the case of the prosecution, that the complainant gave the complaint stating that, petitioner No.1 Yogesh is known to him and in the 1st week of March 2020, Tumakuru Municipal Corporation, Batawadi layout Ward No.21. Khata No.18/3653 measuring East-West 113 feet, North-South 45 feet, the property of its owner namely V.N.Shobha wanted to sell the said property and told the complainant about the said establishment that he is close to us and since the property is a suitable place to live, he will give it to the complainant at the lowest possible price and he asked the complainant to let him know if the complainant interested in buying it, so, the complainant with an intention of buying the same, has paid sum of Rs.58,66,000/- as purchase price and in that regard sale agreement was prepared on 18.03.2020 and the deed was registered on the next day in the Sub-Registrar Office, Yogesh and his friend Vijayakumar were the witnesses to the said deed and on that day Rs.2,00,000/- was received from the complainant. And in cash of

Rs.28,50,000/- was given to the Shobha through the complainant's bank account cheque No.041729 dated 19.03.2020. Due to technical reason instead of the cheque the complainant had given Rs.28,50,000/- in cash and the complainant returned the cheque to Shobha. In the meantime the remaining amount of purchase consideration Rs.28,16,000/- has also been given to Shobha in cash by the intermediater Yogesh on the assurance that Yogesh is responsible for the money. And Rs.58,66,000/- has been given by Yogesh to Mrs Shobha. Meanwhile Mrs. Shobha the complainant/respondent No.1 Tumakuru Town police station case No.GSC/NVR No.387/2020 is the original owner and it has been found that the women introduced by Yogesh as Mrs. Shobha is a fake person and the said fake V.N.Shobha is the owner of the property and has registered the purchase deed with the complainant at Tumakuru Municipal Corporation in respect of the said property. Since the complainant came to know the truth has voluntarily cancelled the purchase deed registered in the complainant's name, at that time Yogesh and his father-in-law promised to

return the money of Rs.58,66,000/- to the complainant/ respondent No.2 stating that Yogesh had illegally obtained by cheating and deceiving the respondent No.2 and requesting not to file any complaint against Yogesh. But till today the Yogesh has not returned the said money to the complainant and for security he gave Kauvery Kalpataru Gramina Bank signed blank cheques , but at the time of issuing the cheque, Yogesh's Tumakuru City United Bank of India's cheque was replaced with his Bengaluru Rural Taluk, Nelamangala branch, Axis bank, cheque has been issued. And in the meantime Yogesh has transferred Rs.2,50,000/- from his account to the complainant and apart from that till today, neither Yogesh nor the mediators i.e., K.Narayan, Krishnamurthy and Narasegowda have not given the complainant/ respondent No.2, the remaining amount of Rs.56,16,000/- in spite of requests and demands made by the complainant/ respondent No.2.

8. But the petitioners have denied the allegations made in the complaint by the complainant/respondent No.2. Admittedly the date of

sale transaction and the allegation regarding cheating is on 18.03.2020 and 19.03.2020 and the date of present complaint is on 24.05.2026. So, there are chances of manipulation of the case and there is delay of 6 years in filing the complaint and the transactions of sale and the payment mode is by cash and admittedly huge amount of lakhs together involved in this case. The reason for payment made in cash given by the complainant is not satisfactory. At this stage the court has to see whether there are any prima facie case has been made out by the petitioners to grant bail to them. Because, whether really the petitioners have committed the alleged offences or not is the matter to be adjudicated at the time of trial. The petitioners undertake to abide by any conditions imposed by this court. The alleged offences are neither punishable with death nor imprisonment for life. The objection of learned public prosecutor can be met out by imposing stringent conditions. Hence by looking into the facts and circumstances of the case and gravity of the offences, the court feels that, by imposing the stringent conditions the petitioners may be granted bail by

exercising the discretionary power of this court. Hence the petitioners have made out grounds to allow the bail petition. Hence, I answer point No.1 in the **Affirmative**.

9. Point No.2: In view of my finding on point No.1, I proceed to pass the following :

ORDER

The petition filed by the petitioners under Section 482 of BNSS is hereby allowed.

The petitioners shall be released on anticipatory bail in the event of their arrest by the respondent police in Cr.No.157/2026 for the offences punishable u/sec.316(2), 318(4), 319(2), 340(2) R/w Sec.3(5) of BNS on their executing personal bond for Rs.1,00,000/- each with one surety for the like sum to the satisfaction of the respondent police, with the following:

: Conditions :

1.Petitioners shall surrender themselves before the Investigating Officer within 10 days from the date of receipt of certified copy of this order.

2.Petitioners shall not indulge in hampering the investigation or tampering with the prosecution witnesses.

3.Petitioners shall co-operate with the I.O. to complete the investigation and they shall appear before the I.O. as and when called for investigation.

4.Petitioners shall not leave the jurisdiction of the court without prior permission till the charge-sheet is filed or for a period of 3 months whichever is earlier.

5.Petitioners shall mark their attendance once in a week i.e., on every Sunday between 10.00 a.m. and 5.00 p.m. before the I.O. for a period of 2 months or till the charge-sheet is filed whichever is earlier.

If in case, the petitioners violate any of the conditions as stated above, the prosecution is at liberty to file application for seeking cancellation of bail at any stage.

(Dictated to the stenographer directly on computer, typed copy corrected and then pronounced by me in the open Court on this the 10th day of June 2026).

(N.Narasamma)

II Addl., District and Sessions
Judge, Tumakuru.