

KAVN010014802026



**IN THE COURT OF THE ADDL. DISTRICT & SESSIONS JUDGE,
VIJAYANAGARA DISTRICT, HOSAPETE.**

**PRESENT: SRI D.P.KUMARA SWAMY,
B.Com.,LL.M.,
Addl. District & Sessions Judge,
Vijayanagara District, Hosapete.**

DATED THIS THE **18th** DAY OF **MARCH, 2026.**

Crl.Misc.Petition No.153/2026

Petitioner Shivashankar.U S/o Ananthasayana.U
aged about 46 years,
R/o 5th Ward, near BNSL Office,
Huvinahadagalli Tq.,
Vijayanagara District

(By Sri S.Chandrappa – Advocate)

V/s

Respondent	The State, represented by the Sub-Inspector of Police, Hadagali Police Station. Hadagali Taluk, Vijayanagara District. (By Learned Public Prosecutor)
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ORDERS ON BAIL PETITION

The present petition is filed by the Petitioner/proposed accused in Hadagali Police Station Crime No.92/2025, under Section 438 of Cr.P.C., for his enlargement on anticipatory bail, in the event of his arrest in the said Crime.

2. The petitioner has contended that, he has not committed any of the offences, as alleged against him. Even though, some of the alleged offences are non-bailable yet they are neither punishable with death, nor imprisonment for life. The alleged offences are triable by the learned Magistrate. The ingredients of offences punishable under Sections 406, 419, 465, 468 and 420 of IPC, do not get attracted to the allegations made against him. A false case has been foisted against him, to harass him. The First Information Statement (FIS) was lodged by the first informant against the petitioner with an ulterior motive and with a malafide intention before the respondent police. There is a delay in lodging of FIS. This itself creates a doubt and suspicion in the case against the petitioner. Petitioner is the only earning member in his family. He is resident of the addresses shown in the petition; and he is having both movable and immovable properties. The respondent police are making hectic efforts to arrest the petitioner. He is ready to abide by all the terms and conditions imposed by this Court. He is ready to offer surety to the satisfaction of the Court. Hence, this petition may be allowed and grant anticipatory bail to him.

3. Notice of the above said petitions were taken by the learned Public Prosecutor. In the objection statement, the story of the prosecution case is reiterated. In this case investigation is not yet completed. If he is enlarged on bail, he may repeat the same and similar offences; he will tamper the prosecution witnesses and may flee from justice, thereby leading to protraction of smooth

investigation process and trial. Hence, the bail petition may be rejected.

4. Following points arise for consideration:

1. Whether the petitioner is entitled for grant of anticipatory bail under Section 438 of Cr.P.C.,?

2. What order?

5. Heard the learned counsel for the petitioners and the learned Public Prosecutor; and on perusing the entire material placed before the Court, the above points are answered as under:

Point No.1: In the affirmative;

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

REASONS

6. POINT No.1: I have perused the averments made in the bail petition, F.I.R., FIS; the objections filed by the Learned Public Prosecutor; and the materials on record. I have borne in mind the anxious submissions made by the learned Advocate for the petitioners and Learned Public Prosecutor.

7. Shorn off the unnecessary details, the prosecution story may, briefly, be stated to the following effect:

7.1. One Sri.Thamas Vijayan is residing at Dubai. His elder brother Dr.Rajan Thamas is residing in USA.

Their parents namely Smt.Sosamma Thamas and Sri.M.T. Thamas were residing at Brook field in Bangalore city and both of them are dead.

Said Sri.Thamas Vijayan and said Dr.Rajan Thamas had purchased 97 acres of land in the year 2008 through registered sale deed and they are in possession of the said land which is situate Koilagatti Village, Huvinahadagali Taluk, Vijayanagara District.

They have appointed the first informant - Sri.Biju Chako to manage the lands belonging to them. The first informant is residing at AECS layout, Brook field, Bangalore city.

During Covid-19 period till 30.05.2025, for personal reasons, the first informant could not attend the said land. Recently, when first informant came near the said land, the local people of Koilagatti Village, have informed the first informant that some people have sold the said land to some people.

Thereafter, the first informant obtained certified copies of the documents in respect of the said land from the office of the Revenue officer, Hadagali and also from the office of the jurisdictional Sub-Registrar. When the first informant perused the said documents, he came to know that some unknown persons have created the election Voter ID card in the address of said Sri.Thamas Vijayan and said Dr.Rajan Thamas. The names and addresses of the said persons are: (i) Sri.K.Mohan S/o K.Gopal, Kamma Street, Kandari Compound, Kudathini Post, 12th Ward, Ballari, Aadhaar Card No.414016107840, Pan Card No.AKTPM2253J, (ii) Sri.T.Ranjitha Kumar S/o T.Krishnaiah, Badanahatti, Gangabhavani Camp, 3rd ward, H.B.Halli, Aadaar No.708492262849, Pan Card No.BIEPK6985M, (iii) Sri.Ravi Thirumalesh S/o Venkatanarayana, House No.101, Balaji Nagar

Camp, Talur Road, Ward No.1, Siruguppa, Aadhaar No 203239691854, Pan Card No.BHKPR5278R, (iv) Sri. Sannappa Reddy Vijaya Kumar S/o S.P. Hanumanthappa, House No.6, Near Jumma Masjid, Balayya Road, 24th Ward, Ballari, Aadhaar No.625713052009, pan Card No.AFPV8402P, (v) Sri.Suresh Parachur S/o. Lakshmivaraprasad, House No.450/3, 3rd Cross, Basaveshwara Nagar, Tipatur, Aadhaar No.487094258733, Pan Card No.BZHPS9985H. The said five persons who are arrayed as accused persons have posed that a GPA has been executed by Sri.Thamas Vijayan and said Dr.Rajan Thamas in their favour and created false documents and registered the said documents on 25.04.2019 at Davanagere Sub-Registrar office; and on 04.12.2018 at Tipatur Sub-Registrar office and got executed the registered documents in respect of 68 acres 17 guntas of land the names of accused Nos 1 to 5 and sold some lands to others; and, thereby, cheated Sri.Thamas Vijayan and said Dr.Rajan Thamas.

The details of the lands held by Sri.Thamas Vijayan and Dr.Rajan Thamas are as follows:

Sl. No.	Owner	Property situate at	Sy.No.	Extent of Land
1	Rajan Thamas S/o M.T. Thamas, Channappanahalli, Marathahalli, Bangalore city	Koilaragatti Village	217	15.00 Acres
2	Thamas Vijayan S/o M.T. Thamas, Channappanahalli, Marathahalli, Bangalore city	Koilaragatti Village	207/A	7.66 Acres

3	Rajan Thamas S/o M.T. Thamas, Channappanahalli, Marathahalli, Bangalore city	Koilaragatti Village	208/A/2 208/B/2	4.85 Acres 3.69 Acres
4	Thamas Vijayan S/o M.T. Thamas, Channappanahalli, Marathahalli, Bangalore city	Koilaragatti Village	208/A/3	5.00 Acres
5	Thamas Vijayan S/o M.T. Thamas, Channappanahalli, Marathahalli, Bangalore city	Koilaragatti Village	218/A/2 218/D 220/C 221/C 218/E	3.20 Acres 1.95 Acres 4.53 Acres 1.95 Acres 2.11 Acres
6	Rajan Thamas S/o M.T. Thamas, Channappanahalli, Marathahalli, Bangalore city	Koilaragatti Village	208/B/1 208/B/8 208/B/10 208/B/11	3.91 Acres 1.88 Acres 1.86 Acres 2.13 Acres
7	Thamas Vijayan S/o M.T. Thamas, Channappanahalli, Marathahalli, Bangalore city	Koilaragatti Village	208/A/3 208/B/13	5.00 Acres 3.45 Acres
			Total	68.17 Acres

Thus, some unknown persons have created election cards of Sri.Thamas Vijayan and Dr.Rajan Thamas and created GPA in the names of accused Nos 1 to 5 and got registered a document at Hadagali Sub-Registrar office on 30.08.2019 in respect of (1) 15.00 acres of land in Sy.No.217, (2) 4.85 acres of land in Sy.No.208A/2, (3)3.69 acres of land in Sy.No.208/B/2, (4) 3.20

acres of land in Sy.No.218A/2, (5) 1.95 acres of land in Sy.No.218/D, (6) 4.53 acres of land in Sy.No.220/C, (7) 1.95 acres of land in Sy.No.221/C, (8) 2.11 acres of land in Sy.No.218/E, (9) 3.91 acres of land in Sy.No.208/B/1, (10) 1.88 acres of land in Sy.No.208/B/8, (11) 1.86 acres of land in Sy.No.208/B/10, (12) 2.13 acres of land in Sy.No.208/B/11.

On 29.12.2018, they got registered the document at Hadagali Sub-Registrar office in respect of (1) 7.66 acres of land in Sy.No.207/A, (2) 5.00 acres of land in Sy.No.208/A/3, (3) 3.45 acres of land in Sy.No.208/B/13.

Thus, in all, they have got registered documents in their names in respect of 68.17 acres of land and sold some pieces of lands to others and cheated the said Sri.Thamas Vijayan and Dr.Rajan Thamas. The accused persons; the registering officers of Hadagali, Tipatur and Davanagere registration office; revenue officers; and middle men have conspired with one another and cheated Sri.Thamas Vijayan and Dr.Rajan Thamas. This is the sum and substance of the story of prosecution.

8. The Learned Counsel for the petitioner has submitted that in the same case, the Hon'ble High Court of Karnataka has granted regular bail to accused No.7 in CrI.P. No.104620/2025, DD on 24.11.2025. Hence, on the ground of parity, the petitioner in this may be granted for anticipatory bail. In the cited judgment, the Hon'ble High Court of Karnataka has considered the same facts and the accused No.7 is also a purchaser who claimed to be bonafide purchaser. The reasons for answering the

anticipatory bail petition would be akin to the reasons set out by the Hon'ble High Court of Karnataka in the above cited judgment. Hence, on the ground of parity, the petitioner would be entitled to anticipatory bail. Hence, point No.1 is held in the affirmative.

9. POINT No.2: Hence, the following:

ORDER

1. The petition filed by the petitioner under Section 438 of Cr.P.c. is hereby allowed.

2. In the event of arrest of the petitioner in Hadagalli P.S. crime No.92/2025 registered for the offences punishable under Sections 406, 419, 564, 468, 420 IPC, he shall be released on bail, on he executing personal bond for a sum of **Rs.50,000/-**, with one surety for the like sum, subject to the following conditions:

4. The petitioner shall-

1) not tamper, or allure with any of the prosecution witnesses, in any manner;

2) surrender before the I.O., on or before 01.04.2026;

3) co-operate with the I.O., for investigation, as and when required;

4) appear before the trial court on all hearing dates, without fail;

5) not indulge in same and similar offence, failing which, order shall be cancelled; and

6) produce his present identity size photograph alongwith copy of his Aadhar card to the I.O.

7) in addition to that the petitioners shall mark his attendance before the I.O., on the 1st Tuesday of every month, inbetween 10:00 a.m. to 5:00 p.m., till filing of the charge sheet.

(Return copy of C.D. to the learned Public Prosecutor)

(Dictated to the Stenographer directly on computer, typed and computerized by him, corrected and signed by me and then pronounced in the open Court on this the **18th** day of **March, 2026**).

**(D.P.KUMARA SWAMY),
ADDL. DISTRICT & SESSIONS JUDGE,
VIJAYANAGARA DISTRICT, HOSAPETE.**

(Orders pronounced in Open Court
vide separate order)

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