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Crl.Misc.No.5028/2026

**IN THE COURT OF II nd ADDL.DISTRICT AND  
SESSIONS COURT, YADGIR,  
SITTING AT SHORAPUR.  
:PRESENT:**

**Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)  
II nd Addl. District & Sessions Judge, Yadgir,  
sitting at Shorapur.**

**DATED THIS THE 25<sup>th</sup> DAY OF MARCH, 2026.**

**CRL. MISC.5028/2026**

**Petitioner** Ramesh S/o Nagappa Talwar,  
Age: 33 years, Occ: Clerk at JMFC  
Court Shorapur, R/o Alahal,  
Tq: Shorapur, Dist: Yadgiri.

**(By Sri.BHK Adc.,)**

**V/s**

**Respondent:** The State through Kembhavi P.S.  
Tq: Shorapur, Dist: Yadgiri.

**(By Sri. Public Prosecutor)**

**ORDER ON BAIL PETITION FILED U/SEC.482 OF  
BNSS.**

Being apprehended of arrest by the respondent, in  
Crime.No.17/2024 of Kembhavi PS, registered for the

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offence P/U/Sec.420, 465, 468, 471, 120(B) of IPC,  
against accused, the present petitioner/accused filed this  
petition for the necessary directions to the respondent to  
release him on bail in the event of his arrest in the said  
crime.

**2. Brief facts of prosecution case, are as follows:-**

On 05.02.2024, the complainant lodged the complaint stating that, the Govt. high school head master of the Bapurayya S/o Chandresh and his guest teacher Govt. primary school Hainapura, Tq: Shorapur, and Hanamantraya pujari the BRP of Kembhavi Govt. high school of Hadhanoor, the said persons with a intention to take bribe in the year 2008 to 2013, the students who studied in Govt. High school by name Devappa S/o Basappa Talwar (A-2) and his register No.873, Ramesh S/o Nagappa Talawar (A-3), Vishwanath S/o Basappa Vaalikar (A-4) and his register No.773, Raju S/o Bikappa Lambani (A-5) and his register No.738, and Basamma D/o Bheerappa Bisanal (A-6) and her register No.463 all

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accused persons mentioned students have changed the exam result register from 2019-2020 and they have changed the marks of the exam results by adding extra marks for the purpose of getting job in judicial department and to get job in transport department and also the B.E.O has signed the forgery and one by name Rajappa has enquired about the documents at that time, he found that the accused/petitioners studied in the two schools, the involvement of even other persons in this case the accused persons is Govt. servant and created the forgery document, because, the accused persons four persons have got appointment in judicial department and one person got appointment in transport department, hence the complainant lodged the complaint, on basis of the said complaint the respondent registered the crime against present petitioner and the present petitioner is being apprehended of arrest by the respondent filed this petition on following ;



**GROUND**

**A.** *The petitioner is nothing to do with alleged offences, he has falsely involved in this case, the instigation of ill-wishers of petitioner.*

**B.** *Looking to the fact and circumstances of the complaint, the offence U/Sec.420, 465, 468, 471, 120(b) of IPC can not be attracted, the name of the accused person has not shown as accused, but, however the name of the accused mentioned in the complaint, there is an apprehension to arrest the accused persons.*

**C.** *In the case on hand already DDPI conducted the enquiry and came to conclusion that, the allegation is not established, the accused No.1 by name Bappurayya already released on the bail by the Hon'ble court in Crl.Misc.No.102/2024, the accused/petitioner is Govt. servant the question of jumping the bail does not arises.*

**D.** *The petitioner is ready and willing to abide by any conditions which may be imposed by this court.*



3. Ld. PP has filed objection stating the facts of prosecution case as already extracted supra, further Ld PP would contended in the objection that, the accused person has committed non-bailable offences and there is no genuine grounds, the IO has collected relevant documents and all materials which prima-facie shows that, the petitioner activity participated in forging documents with intention to get job and on basis of fake documents the petitioner has got job in judicial department and some accused persons got Govt. job in different department on basis of fake documents, IO has recorded statement of material witnesses who are serving in Education Department, on perusal of entire charge sheet there is a prima-facie case against present petitioner, if accused is released on bail, he will not cooperate with trial, if the accused person is released on bail he will tamper the prosecution witnesses and with this the Ld PP prayed for rejection of bail petition.



4. Heard on both sides. Along with petition, the petitioner has produced document, certified copy of FIR with complaint and xerox copy of order on departmental enquiry against accused No.1, bail order in CrI.Misc.No.102/2024, dated 06.03.2024 granted to accused No.1, on the other hand, Ld PP filed objection with IO report and entire charge sheet.

5. I have perused the contents of petition, grounds stated in the petition, objection filed by learned PP and also considered the arguments canvassed by the learned counsel for the parties and perused the same. On perusal of the same the points that would arise for determination are as follows;

**POINT NO.1:** Whether the petition filed under section 482 of BNSS Act, is deserves to be allowed at this stage ?

**POINT NO.2:** What order ?



6. My findings to the above points are

as follows;

**Point No.1 :**            in the Negative.

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

**REASONS**

7. **POINT NO.1:**        It is well settled law that the court cannot go into the merits and demerits of the case while deciding the bail petition. What court has to looked into in deciding bail petition is that, (i) the nature and gravity of the accusation; (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence; (iii) the possibility of the applicant to flee from justice.

8. I have gone through facts stated in the complaint and material place before the court by the petitioner and further I perused grounds stated in the bail petition, on perusal of the same there is prima-facie case against the accused person, the accused persons/petitioner mentioned student has changed the



exam result register from 2019-2020, the petitioner changed the marks of the exam result by adding extra marks for the purpose of getting job and on basis of forged and fake documents accused got job in judicial department, on perusal of the entire charge sheet IO has collected all school records of present petitioner which not only prima-facie shows that, accused not only forged the document with intention to get job the document collected by the IO also prima-facie shows that, he has studied in two different school simultaneously and created and forged school records in the house of accused No.1.

**9.** That apart, the Ld counsel for the petitioner would contended that, the name of the present petitioner not shown as accused in the FIR, I have gone through the complaint lodged by the complainant, the complainant specifically stated in the complaint, the names of 05 students who have colluded with accused No.1 and obtained forged marks card for getting job. I would like to

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note here the relevant portion of complaint which reads

thus;

ಶಾಲೆಯ ಹಿಂದಿನ ಪ್ರಭಾರಿ ಮುಖ್ಯ ಗುರುಗಳಾದ ಶ್ರೀ ಬಾಪುರಾಯ ತಂದೆ ಚಂದ್ರಷ ಇಂದಿನ ಸಹ ಶಿಕ್ಷಕರು ಸರ್ಕಾರಿ ಕಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ ಐನಾಪುರ್ ತಾಲೂಕು ಸುರಪುರ ಜಿಲ್ಲೆ ಯಾದಗಿರಿ, ವಯಸ್ಸು 52 ಜಾತಿ ಹಿಂದೂ ಕೃಷಿಗ ಮತ್ತು ಶ್ರೀ ಹಣಮಂತ್ರಾಯ ಪೂಜಾರಿ ಹಿಂದಿನ ಬಿ ಆರ್ ಪಿ ಗಳು ಕೆಂಬಾವಿ ವಲಯ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆ, ಹದನೂರು ತಾಲೂಕ್ ಸುರಪುರ ಜಿಲ್ಲಾ ಯಾದಗಿರಿ ವಯಸ್ಸು ಅಂದಾಜು 48 ಜಾತಿಯಿಂದ ಕುರುಬರ ಇವರುಗಳು ಹಣದ ಆಸೆಗೆ ಬಲಿಯಾಗಿ 2008 ರಿಂದ 2013 ರವರೆಗೆ ಸದರಿ ಶಾಲೆಯಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡುತ್ತಿದ್ದ ಆಗಿನ ವಿದ್ಯಾರ್ಥಿಗಳಾದ 1) ದೇವಪ್ಪ ತಂದೆ ಬಸಪ್ಪ ತಳವಾರ್ ಇವರ ದಾಖಲಾತಿ ಸಂಖ್ಯೆ 873 ಮತ್ತು ಜನ್ಮ ದಿನಾಂಕ 01/07/1992, 2) ರಮೇಶ್ ತಂದೆ ನಾಗಪ್ಪ ತಳವಾರ್ ಇವರ ಜನ್ಮ ದಿನಾಂಕ 04/06/1993, 3) ವಿಶ್ವನಾಥ್ ತಂದೆ ಬಸಪ್ಪ ವಾಲಿಕಾರ್ ಇವರ ದಾಖಲಾತಿ ಸಂಖ್ಯೆ 773 ಜನ್ಮ ದಿನಾಂಕ 12 ಸೆಪ್ಟೆಂಬರ್ 1995, 4) ರಾಜು ತಂದೆ ಬಿಕ್ಕಪ್ಪ ಲಮಾಣಿ ಇವರ ದಾಖಲಾತಿ ಸಂಖ್ಯೆ 738 ಮತ್ತು ಜನ್ಮ ದಿನಾಂಕ 31 ಜುಲೈ 1991, 5) ಬಸವ್ವು ತಂದೆ ಬೀರಪ್ಪ ಬಿಸನಾಳ್ ಇವರ ದಾಖಲಾತಿ ಸಂಖ್ಯೆ 463 ಇವರುಗಳ ಎಲ್ಲಾ ಪರೀಕ್ಷಾ ಫಲಿತಾಂಶದ ರಜಿಸ್ಟರ್ ಅನ್ನು 2019-2020 ರಲ್ಲಿ ತಿದ್ದುಪಡಿ ಮಾಡಿ ಹೆಚ್ಚಿನ ಅಂಕ ಹಾಕಿ ಸದರಿಯವರನ್ನು ನ್ಯಾಯಾಂಗ ಇಲಾಖೆ ಹಾಗೂ ಸಾರಿಗೆ ಇಲಾಖೆಯಲ್ಲಿ ಕರೆದಿದ್ದ ಹುದ್ದೆಗೆ ಆಯ್ಕೆ ಮಾಡಲು ಸಹಕರಿಸಿದ್ದಾರೆ ಹಾಗೂ ಅಂಕಪಟ್ಟಿಗೆ ಕ್ಷೇತ್ರ ಶಿಕ್ಷಣಾಧಿಕಾರಿಗಳು ಸುರಪುರವರ ಬೊಟ್ಟಿ ಸಹಿ ಮಾಡಿರುತ್ತಾರೆಂದು ಹಾಗೂ ರಾಜಪ್ಪ ತಂದೆ ಬಿಕ್ಕಪ್ಪ ಲಮಾಣಿ ಇವರ ದಾಖಲಾತಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಸದರಿಯವರು ಎರಡು ಶಾಲೆಯಲ್ಲಿ ವ್ಯಾಸಂಗ ಮಾಡಿರುವುದಾಗಿ ದಾಖಲೆಗಳಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ.



**10.** The facts stated in the complaint extracted supra prima-facie shows that, complainant has specifically stated the name of accused person and manner in which the accused persons have participated in commission of crime, and forged the marks cards and school records of accused persons, but, even after giving the details of accused persons in the complaint and the complainant has specifically stated the manner in which the present accused/petitioner and other students participated in forging documents with a intention to get job, even then the police officer failed to registered the FIR against present petitioner and other accused persons. So, non mentioning of name of the accused persons by the police in the FIR even the complainant has specifically stated the names of accused persons and their participation in commission of crime is not ground for bail, court has to see as to whether there is a complaint against accused persons named in the complaint or not. As extracted supra the complainant has specifically stated name of the present petitioner and others students



and their participation, in the complaint, under such circumstances the arguments of the Ld counsel for the petitioner holds no good.

**11.** Further, the Ld counsel for accused/petitioner would contended that, the accused No.1 who is head master released on anticipatory bail, hence the present petitioner is entitle for bail on the ground of parity. Looking to the facts stated in the complaint and participation of present accused/petitioner in forging in the marks card and the present petitioner/accused after forging the marks card got applied for job in judicial department and by submitting forged document he got job in judicial department, thus, the doctrine of parity is not applicable to the petitioner. That apart, the petitioner has committed heinous offence which affects on whole society and affects on genuine candidates who applied for job along with the present petitioner.



**12.** The Ld counsel for petitioner/accused would contended that, the departmental enquiry conducted on accused No.1 in connection with alleged offence, and hold that, the accused No.1 is innocent. The departmental enquiry is not come in the way of investigation and trial, the IO has collected all school records of the present petitioner and other accused persons who have forged school records colluding with accused No.1 and the present petitioner and other accused persons have got Govt. Job on basis of forged documents and said documents bears forged signatures, so, DE held on accused No.1 is not come in the way of scrutiny of charge sheet material to come to conclusion as to whether there is a prima-facie case against present petitioner and other accused persons who have studied in the school of accused No.1, the departmental enquiry is not against present petitioner and other students who obtained Govt. Job on basis of gorged documents.



**13.** In the present case, as per the records and entire charge sheet produced by the parties, it is seen that, after registration of FIR against accused No.1 the IO has issued notice to petitioner and others students who obtained forged school records from accused No.1 and on basis of said document they got Govt. Job, U/Sec.41(A) of Cr.P.C and released them, thereafter, after investigation charge sheet has been submitted before the trial court against accused No.1 to 7 who have got Govt. Job on basis of forged documents, the present petitioner is accused No.3 as per charge sheet, and on basis of charge sheet submitted by the IO against accused No.1 to 7, the trial court has taken cognizance, and issued summons to petitioners/accused No.3 and accused No.1 to 7 did not appeared before trial court, instead of appearing before the trial court when charge sheet submitted and filed this petition, but, accused No.3 avoiding appearance before the trial court after charge sheet. Thus, the conduct of petitioner caused delay in trial. The cause of action to file anticipatory bail is to protect from arrest of petitioner by



the police in non-bailable case not for apprehension of order on bail petition if filed before the trial court after charge sheet. That apart, even for the shake of moment, as soon as the petitioner is released under Sec.41(A) of Cr.P.C by IO the apprehension of arrest by the police after registration of FIR is gone, because the IO has released the petitioner U.Sec.41(A) of CR.P.C. the present petition filed under the apprehension that, if regular bail is filed before the trial court, there would be chances of taking custody as the present petitioner not appeared before trial court. Thus, the conduct of the petitioner shows that, if petition is allowed he will not co-operated with trial, and again which will cause delay in trial before the trial court. Looking to the facts and circumstance of the case, and grounds stated in the petition, and gravity of offence, manner in which the accused has committed crime, I am of the opinion that, at this stage, the accused person is not entitle for anticipatory bail, with above observation and reasons I answered this point in the **Negative**.

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14. **POINT NO: 2:** In view of the finding on

Point No.1, I proceed to pass the following;

**ORDER**

The petition filed U/Sec.482 of  
BNSS Act, by the petitioner is hereby  
dismissed.

(Dictated to the Stenographer-III directly on computer,  
transcript computerized by her, corrected, initialed and then  
pronounced by me in the open court, on this the 25<sup>th</sup> day of March -  
2026)

**(Yamanappa Bammanagi)**  
**(II nd Addl. District and Sessions Judge**  
**Yadgir, Sitting at Shorapur)**