

KABR010041762025



**IN THE COURT OF I ADDL. DISTRICT & SESSIONS
JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU.**

Dated this the 10th day of November, 2025

PRESENT **Sri. Siddalinga Prabhu. B.Sc., LL.B.,**
I Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.
Crl.Misc.No.1987/2025

PETITIONER: Mr. Shiva Gangaiah. H (A-9),
S/o. Honnaiah,
Aged about 55 years,
R/at 3rd Cross, Gangammagudi Road,
M.V. Extension,
Hosakote Town,
Bengaluru Rural District- 562 114.

**In FIR wrongly shown as Surveyor,
Superintendent,
Hosakote Taluk,
Bengaluru District,
Karnataka.**

[represented by—
Sri. M. Subramanya - Advocate]

-Vs-

RESPONDENT : State of Karnataka by
Hosakote Police Station

Bengaluru Rural District.

[represented by:
Public Prosecutor]

ORDER

Sri. Shiva Gangaiah. H, S/o. Honnaiah being the accused No.9 of Crime No.267/2025 of respondent police do prefers this anticipatory bail petition by invoking Section 482 of BNSS.

2. Smt. V. Vijayalakshmi in her written FIS dated 21.09.2025 mentions *inter-alia* that the informant and her husband S. Vijay Sunder Raj Iyyengar S/o K.V. Sundar Rajan jointly purchased an extent of land measuring 10 guntas out of total extent of land measuring 2 acres 36 guntas in Sy.No.3 situate at Jadigenahalli village of Vijayapura village from the land owner by name Panchalaiah V, S/o Adisheshaiah represented by his GPA holder Venkateshwarulu S/o G. Venkatasubbaiah. That the said property was purchased so on 19.12.2001. That subsequent to the said purchase the revenue documents pertaining to the said extent of 10 guntas were mutated in the joint name of informant and her husband. That taxes have been paid from time to time in respect of the said purchased extent by the informant and her husband. Such

being the facts, on 16.09.2025 the known person by name Srinivas Prakash of Devalapura made a phone call to the informant and questioned as to whether the informant and her husband had sold the property in favour of any person because, the revenue documents in respect of purchased portions do stand in some other names.

2.1. That basing on the above said information of Srinivas Prakash, the informant and her husband made enquiries with the revenue Authority and also with the concerned Sub-Registrar Office. That the said enquiry had revealed that, a person by name Pennayya S/o Ramachandraiah/accused No.3 resident of Avalahalli had created documents in the name of informant. Basing on the said document, the name of informant were got changed in the public documents maintained by the revenue authorities and also by the authorities of Sub-Registrar. That a false and fictitious death certificate of Vijaya Sundar Rajan Iyyengar the husband of informant was also created. That a person by name B.C. Madhu has drafted a document in the presence of alleged witnesses by name Ramesh and Rajappa Chettiyar and they have even fabricated a GPA alleged to have been executed by the informant. Thereafter they presented the same for

registration of the said GPA. That basing on the fabricated GPA, a sale deed was also created and fabricated in the name of Murudu Annan. Then the created documents were presented before the Sub-Registrar of Hosakote. The said Sub-Registrar without verifying the fabricated documents have registered the same.

2.2. It is further averred in the FIS that on 01.08.2025 an application was submitted by a person called Gopinath S/o A. Muniswamy. That the government Surveyor by name Pradeep Kumar having received the said application for Tatkhal Phodi had conducted the mahazar proceedings in respect of the land bearing Sy.No.3 and they made a phodi proceedings by assigning New Survey Number as 3/5 in respect of said land measuring 10 guntas. That the private persons and the personnel of Government offices including the government Surveyor and Sub-Registrar had conspired to create fabricated documents including the death certificate of husband of informant with a sole intention to deprive the informant and her husband of the said property measuring 10 guntas. Therefore the FIS which resulted in registration of case in Crime No.267/2025 by invoking penal provisions under Sections 318(4), 336(2), 340(2), 340(1),

338, 336(3), 61(2) and 343 of BNS.

3. The above being the facts, the accused/bail petitioner does inter-alia urge the following grounds:

3.1. **That the name and designation of the bail petitioner/accused No.9 has been wrongly mentioned in the FIS.** That the alleged allegations are false, baseless and the same are opposed to the principles of case law as laid down in the case of Arnesh Kumar Vs. State of U.P. That the allegations against this bail petitioner are nothing but an afterthought. That the bail petitioner/ accused No.9 being innocent, the informant while lodging the FIS and the respondent police while registering the case have violated the principles of case laws rendered to the effect that no case shall be registered against the innocent persons. That the FIS has been registered by misusing the law. The petitioner/accused No.9 has dignity and he is the permanent resident of his address as mentioned in the cause title, that he is ready and willing to abide any of the conditions, that he be released on bail. Therefore, that the bail petition be allowed.

4. The learned public prosecutor in his statement of objections pleads inter-alia that, in the event of granting

of bail as sought for, the accused No.9/bail petitioner would not only evade the trial but also give threat to the prosecution witnesses. The *Modus Operandi* of the offences being severe in nature, the bail petition deserves to be rejected in the interest of public. The learned public prosecutor has relied on the following case laws

- (1) (2011) 3 SCC (Cri) 765
- (2) (2011)1 SCC 694
- (3) (2016)9 SCC 443

and further mentions that the bail petitioner is not co-operating with the investigating officer. That the investigating officer yet to collect material evidence. Therefore that the bail petition be dismissed.

5. The following are the points which do arise for consideration.

1) Is the accused No.9/bail petitioner, for the reasons assigned in the bail petition, entitle for an order of Anticipatory bail as sought for?

2) What order?

6. Having perused the aforementioned rival

pleadings, having heard the parties hereto, this court assigns the following :

REASONS

7. That the bail petitioner/accused No.9 is innocent or not, is a matter of trial to be decided. That the *Modus Operandi* of the offences alleged are serious in nature. This accused No.9/bail petitioner and others are said to have involved in creating and fabricating the documents with the sole intention to cause wrongful loss to the informant and wrongful gain to themselves by misusing their official status. Hence, in the interest of society, the bail petition deserves to be dismissed. Therefore, while answering point No.1 in the ***negative*** this court passes the following:

ORDER

That, for the aforementioned reasons the bail petition preferred by the accused No.9/bail petitioners under Section 482 of BNSS in Crime No.267/2025 of respondent police, is hereby dismissed.

(Dictated to the Typist, typed by her, corrected by me and then pronounced in open Court on this the 10th day of November, 2025)

(Siddalinga Prabhu)

I Addl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.

Order pronounced in open court
(vide separate order sheet)

ORDER

That, for the aforementioned reasons the bail petition preferred by the accused No.9/bail petitioner under Section 482 of BNSS in Crime No.267/2025 of respondent police, is hereby dismissed.

I ADJ, BRD.