KABC010232492026

<u>IN THE COURT OF LXVII ADDL CITY CIVIL AND SESSIONS JUDGE; BENGALURU CITY (CCH.No.68)</u>

<u>PRESENT</u>

SMT.RASHMI.M.
BA.LL.B., LL.M.
LXVII ADDL CITY CIVIL & SESSIONS JUDGE, BENGALURU.

Dated this the 17th day of August 2026.

<u>Crl.Misc.No.7744/2026</u>

PETITIONERS :

1. **Sri.K.Lakshmipathi,
S/o.K.Sreenivasulu,
Aged about 28 years,
Now residing at :
Building No.43,
Smaya Jade Naster Layout,
Doddamara Road,
Chooda Sandra,
Bengaluru.**

   **Permanent resident of :
No.1-96, Perumallapalli,
Bangaru Palyam P.O.
Chittoor District,
Andhra Pradesh.**

2. **Sri.Charan Kumar Naidu,
S/o.Nallani Amarendra Naidu,
Aged about 28 years,
Now residing at :
No.43, Smaya Jade,**

**Naster Layout,
Doddakamara Road,
Chooda Sandra,
Bengaluru.**

**Permanent resident of :
No.805, Maddi Patlavaripalli,
Rompicherla,
Chittoor District,
Andhra Pradesh.**

**3. Sri.Likith Kumar,
S/o.Srinivasulu,
Aged about 26 years,
Now residing at :
No.43, Smaya Jade,
Naster Layout,
Doddamara Road,
Chooda Sandra,
Bengaluru.**

**Permanent resident of :
No.1-96, Perumalla Palli,
Bangarupalyam,
Chittoor,
Andhra Pradesh.**

**4. Sri.Prathap @ M.Gangal Prathap,
S/o.M.Krishnappa,
Aged about 23 years.
Now residing at :
Site No.76/1, Haralur,
Masjid Road,
Somanna Compound,
Bengaluru.**

**Permanent resident of :
Holagunda,
Lingadahalli,
Kurnool,
Andhra Pradesh.**

(By Sri.N.N., Advocate)

.Vs.

RESPONDENT : **State by**
Bellandur Police,
Bengaluru.
(By learned Public Prosecutor)

ORDER ON BAIL PETITION

This is bail petition under Section 482 of BNSS filed by the learned counsel for the petitioners seeking anticipatory bail to the petitioners in the event of their arrest in Crime No.345/2026 of the respondent-Bellandur Police Station, Bengaluru registered for the offences punishable under Sections 316(4), 318(4), 306, 308, 62, 61(1) and 351(2) r/w. Section 3(5) of BNS, 2023 and under Sections 43, 66, 66 (C), 66(D) and 66(E) of Information Technology Act 2000, pending on the file of the learned V Addl. C.J.M., Bengaluru, pending on the file of the learned III Addl. C.J.M., Bengaluru.

2. **The brief facts of the case are as under:**

It is alleged in the complaint that the complainant is a businessman running a company under the name and style "Poorvi Enchanting MSR Shelter Building and Developers" at Bengaluru. About 4 years ago, the petitioner was introduced to him by common friend in a business transaction. After few days, the petitioner No.1 had requested him to provide job to the petitioner Nos.2 and 3 in his company. Considering the request of the petitioner No.1, he provided job to the petitioner Nos.2 and 3 in his company and later the petitioner No.4 joined in his company. In his company, the petitioner No.2 was working as Accountant, petitioner No.3 was working as an Superintendent and the petitioner No.4 was working as Junior Engineer. After joining his company, for few days the petitioner Nos.2 to 4 were worked promptly and after that, they misused the payment of TDS. One Lakshmipathi Reddy has told him about the misappropriation committed by the petitioner Nos.2 to 4. At that time, the complainant has questioned them and they have accepted about the misappropriation and they have apologize. Where the petitioner No.3 being the brother of petitioner No.1 and another opportunity was given to him to work in the company. After 3 months, there was misunderstanding between the petitioner No.1 and the complainant and there was no talks for about 2 years. When the petitioner No.1 and the complainant were friend, at that time the petitioner No.1 had purchased a site with the help of the complainant. From the past 1½ year, the petitioner No.1 is constructing the house in the said site. About 3 months back when the complainant has verified the company documents , he came to know that the petitioner Nos.2 to 4 have billed in the name of the company with respect to construction materials and the constructions materials were supplied to the petitioner No.1, where he was constructing the house and there was misappropriation of more than Rs.20,00,000/- worth materials has been supplied to the petitioner No.1. When the complainant verified the old documents of the company, he came to know that the building materials were supplied to the petitioner No.1 for construction of his house is more than Rs.20,00,000/-. On enquiry with the petitioner Nos.2 to 4, they have not given proper answers and have not produced any documents. Immediately the complainant had suspended the petitioner Nos.2 to 4, who have joined the hands with the petitioner No.1 with common intention and also they have hacked his mobile and business computer data and has taken his personal information, photos and videos and have threatened him that will leave leak the same in social media and the petitioner No.2 has also threatened the complainant to give Rs.25,00,000/-. Thereby the accused are alleged to have committed the offences punishable under Sections 316(4), 318(4), 306, 308, 62, 61(1) and 351(2) r/w. Section 3(5) of BNS, 2023 and under Sections 43, 66, 66 (C), 66(D) and 66(E) of Information Technology Act 2000.

3. In the bail petition, the petitioners who have been arrayed as accused Nos.1 to 4 have contended that they are innocents and have not committed any offences. They have been falsely implicated in this case. They have got valid and tenable defense. No

prima-facie case is made out against them in the commission of alleged offences. They have neither directly nor indirectly involved in the commission of alleged offences. The offences alleged against him are not punishable with either death or imprisonment for life. The complainant was forcing them to do illegal activities in billing and to create fake documents to furnish the same before I.T.Department in order to evade tax. Further the complainant was forced them to say lies to the customers and suppliers of building materials. Due to the illegal activities of the complainant in running the company, the petitioner Nos.2 to 4 have left the company on different dates and years. The respondent police are making hectic efforts to arrest them. Hence, they have got reasonable apprehension of their arrest. They are permanent residents of the address shown in the cause title. Hence there is no chance of them absconding. They hail from respectable family, having deep roots in the society. They are ready and willing to abide by the terms and conditions those going to be imposed by this court and ready to offer surety to the satisfaction of the court, if he is enlarged on anticipatory bail. Hence, sought for allowing the bail petition.

4. The learned Public Prosecutor has filed objections along with the report of Investigating Officer and contended that the investigation is not yet completed.

There are prima-facie materials as to the commission of alleged offences. The petitioners have not assigned any genuine reasons for granting bail. The petitioners are permanent residents of other State. At this stage, if they are enlarged on bail, they may flee away from justice which will hamper the investigation and also threaten the prosecution witnesses and destroy the prosecution evidence. Hence, sought for rejection of the bail petition.

5. The defacto complainant has appeared through his counsel and assist the prosecution.

6. The learned advocate for defacto complainant has filed objections to the bail petition stating that the defacto complainant is the Managing Director of M/s.Poorvi Infinite Private Limited and MSR Shelters LLP, which are developing a project known as “Poorvi Exchanting”. The complainant company had over a period of about 4 years, engaged the petitioners/accused in succession as employees entrusting them with access to the confidential business affairs, computer systems and data of the company. In the course of employment, several disputes arises between them. The petitioners have hacked the mobile phone of the complainant. The property and valuable articles worth approximately Rs.20,00,000/- belonging to the M/s.Poorvi Infinite Private Limited were misappropriated by the petitioners

during the course of their employment. The petitioners have also threatened the complainant that they would circulate the private photographs and videos in social media unless he fail to pay a sum of Rs.25,00,000/-. Further the petitioners have hacked the personal data of the complainant as well as his company. If the petitioners are enlarged on bail, they are likely to renew their threats and intimidation against him and tamper with electronic evidence within their control including deletion of personal data from devices. Hence prayed to reject the bail petition.

7. Heard. The learned advocate for defacto complainant has filed written arguments.

8. The points raised for determination are as under:

1. **Whether the petitioners have made out sufficient grounds to enlarge them on anticipatory bail ?**
2. **What Order ?**

9. My findings to the above points are as under**:**

POINT No.1 : Negative,

POINT No.2 : As per the final order,

for the following:

R E A S O N S

10. **POINT No.1 :** It is the case of the prosecution that the petitioner No.1 was introduced to the complainant by a common friend in a business

transaction. After some time, the petitioner No.1 had requested the complainant to provide jobs to the petitioner Nos.2 to 4. Considering the request of the petitioner No.1, the complainant had provided jobs to the petitioner Nos.2 to 4. After joining his company, for few days the petitioner Nos.2 to 4 were worked promptly and after that, they misused the payment of TDS. One Lakshmipathi Reddy has told him about the misappropriation committed by the petitioner Nos.2 to 4. At that time, the complainant has questioned them and they have accepted about the misappropriation and they have apologize. Where the petitioner No.3 being the brother of petitioner No.1 and another opportunity was given to him to work in the company. After 3 months, there was misunderstanding between the petitioner No.1 and the complainant and there was no talks for about 2 years. When the petitioner No.1 and the complainant were friend, at that time the petitioner No.1 had purchased a site with the help of the complainant. From the past 1½ year, the petitioner No.1 is constructing the house in the said site. About 3 months back when the complainant has verified the company documents, he came to know that the petitioner Nos.2 to 4 have billed in the name of the company with respect to construction materials and the constructions materials were supplied to the petitioner No.1, where he was constructing the house and there was misappropriation of more than Rs.20,00,000/-

worth materials has been supplied to the petitioner No.1. When the complainant verified the old documents of the company, he came to know that the building materials were supplied to the petitioner No.1 for construction of his house is more than Rs.20,00,000/-. On enquiry with the petitioner Nos.2 to 4, they have not given proper answers and have not produced any documents. Immediately the complainant had suspended the petitioner Nos.2 to 4, who have joined the hands with the petitioner No.1 with common intention and also they have hacked his mobile and business computer data and has taken his personal information, photos and videos and have threatened him that will leave leak the same in social media and the petitioner No.2 has also threatened the complainant to give Rs.25,00,000/-. Thereby the accused are alleged to have committed the offences punishable under Sections 316(4), 318(4), 306, 308, 62, 61(1) and 351(2) r/w. Section 3(5) of BNS, 2023 and under Sections 43, 66, 66 (C), 66(D) and 66(E) of Information Technology Act 2000.

11. The learned advocate for the petitioners has contended that the petitioners are innocents and have not committed any offences as alleged against them. The petitioners have been falsely implicated in this case. Hence prayed to allow the bail petition.

12. The learned advocate for defacto complainant has produced the copy of order passed by the Hon'ble High Court of Karnataka in **Crl. Petition No.695/2025 C/W. Crl. Petition No.698/2025, dated:18.03.2025**, wherein it is observed as under :

> ***"Granting pre-arrest bail can significantly hamper the investigation, particularly in collecting useful information and uncovering concealed materials. Courts must exercise caution when granting anticipatory bail, specially in cyber economic crimes. Custodial interrogation is necessary, due to the technical nature of the crime and to reveal full extent of data theft and its concealment methods. The petitioners actions show their ability and willingness to destroy and tamper with evidence. Preliminary findings would establish that the petitioners continued to access, retain and use proprietary demonstrates a deliberate attempt to misappropriate data for unlawful benefits, constituting a prima facie case. Granting anticipatory bail could jeopardize investigation and may frustrate the investigating agency in interrogating the accused and collecting useful information and may weaken the ability of law enforcement agencies to combat sophisticated cyber crimes".***

Further, he has relied upon the decisions reported in

2024 SCC OnLine Delhi 2986, (1980) 2 SCC 565, (1997) 7 SCC 187 and prayed to reject the bail petition.

13. I have considered the petition averments along with the objections, I.O.Report and the order and decisions relied by the learned advocate for defacto complainant. On considering the materials placed on record, it clearly goes to show that there are direct allegations made against the petitioners in the commission of alleged offences. Though the offences alleged against the petitioners are not punishable with either death or imprisonment for life, there is chances of threatening the prosecution witnesses, hamper the trial by fleeing away from justice as the petitioners are residents of other State.

14. Further, Their Lordships in the dictum reported in ***(2020)3 SCC 321 (Varinder Kumar .Vs. State of Himachal Pradesh)*** have held as under:

> ***"Individual right of the accused are undoubtedly important. But equally important is the societal interest for bring the offender to book and for the system to send the right message to all in the society-be it the law-abiding citizen or the potential offender. "Human rights" are not only of the accused, but extent apart also of the victim-the symbolic member of the society as the potential victim and the society as a whole".***

15. In view of the decisions of the Hon'ble Apex Court and also taking note that the petitioners is not the resident of Karnataka. The offences alleged against the petitioners are of Cyber Crime and if the petitioners are released on anticipatory bail, there is all possibility of tampering the investigation as they can perpetrate similar offences. The investigation is at initial stage. A free hand has to be given to the Investigating Officer to investigate into the matter. Further the petitioners are permanent residents of other State. At this stage, if the petitioners are enlarged on anticipatory bail, they may destroy the prosecution evidence and hamper the investigation by fleeing away from justice. The apprehension of prosecution may not be ruled out. Hence, the bail petition deserves to be dismissed. Accordingly, I answer the **Point No.1 in the Negative**.

16. **POINT No.2**: My finding on this point is as per the following:

O R D E R

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

(Dictated to the Stenographer Grade-II directly on computer, corrected, signed and then pronounced by me in the open court on this the 17th day of August 2026)

(RASHMI.M)
LXVII Addl.City Civil & Sessions Judge,
BENGALURU.

RASHMI M

Digitally signed by RASHMI M
Date: 2026.08.17 17:52:25 +0530