



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 2133 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

SRI. SADASHIVA VAIDYA

S/O VENKATRAMANA VAIDYA,

AGED ABOUT 53 YEARS,

R/O SRI DEVI KRIPA,

KAMASADINANE,

AMPARU VILLAGE,

UDUPI DISTRICT-576211.

...PETITIONER

(BY SRI. PARAMESHWAR N HEGDE.,ADVOCATE)

AND:

STATE OF KARNATAKA

THROUGH SHANKARANARAYANA PS,

Digitally
signed by
PAVETHRA
N

Location:
High
Court of
Karnataka



REP BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BANGALORE-01

...RESPONDENT

(BY SMT. ANITHA GIRISH N., HCGP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME
NO.01/2026, REGISTERED BY THE RESPONDENT
SHANKARANARAYANA POLICE FOR THE OFFENCE PUNISHABLE
UNDER SECTIONS 314, 228, 316(4), 316(5), 319(1), 319(2),
318(2), 318(3) AND 318(4) OF BNS, 2023 PENDING ON THE
FILE OF PRINCIPAL CIVIL JUDGE AND JUDICIAL MAGISTRATE
OF FIRST CLASS, KUNDAPUR.

THIS CRL.P, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. The petitioner/accused is before this Court seeking the grant of regular bail in Crime No.1/2026 of respondent-police, pending on the file of Prl. Civil Judge and Judicial Magistrate of First Class, Kundapur, for the offences under Sections 314, 228, 316(4), 316(5), 319(1), 319(2), 318(2), 318(3) and 318(4) of the Bharatiya Nyaya Sanhita, (for short, 'BNS') 2023.

Brief facts of the case:

2. The case of the prosecution is that a complaint was registered by the Chief Executive Officer, stating that the petitioner was working in that capacity for the year 2023-24. It is further alleged that during the said period, the petitioner has misused his capacity as an officer and created a fake account by showing fake liability and also created a fake deposit account. Consequently, he has misappropriated the amount of Rs. 03,95,65,000/-. Hence, the complaint.

3. Based on the said complaint, the respondent police registered a case. The investigation is under progress.



4. Heard Sri. Parameshwar N Hegde, learned counsel for the petitioner and Smt. Anitha Girish N, learned HCGP for respondent-State.

5. It is the submission of learned counsel for the petitioner that the petitioner is innocent of the alleged offences and he has been falsely implicated in this case. The petitioner has not committed any offences as alleged in the complaint. The petitioner has a valid defence to demonstrate that he has not misused/misappropriated any funds of the Government. *In fact*, the Audit Report of the Assistant Registrar of Co-operative Society dated 24.02.2025, would indicate that the petitioner had deposited Rs. 3,65,00,000/- to the Society. Therefore, he may be enlarged on bail by imposing suitable conditions. He will abide by the conditions imposed by this Court in the event of his release on bail. Making such submissions, learned counsel for the petitioner prays to allow the petition.

6. *Per contra*, learned High Court Government Pleader for the respondent-State vehemently submitted that the petitioner misappropriated the substantial amount. The said amount has been deposited by the customers of the said



society. When the public funds are misappropriated, the Court should not show any leniency in such matters in order to regulate such offences which may occur in future.

7. It is further submitted that the present petitioner has deposited the amount in the Society, which itself would indicate that he has admitted the said misappropriation. Therefore, it is not appropriate to grant relief, as prayed for. Making such submissions, learned HCGP prays to reject the petition.

8. Heard learned counsel for the respective parties and perused the averments of the complaint, which would indicate that the petitioner was working as the CEO of the 'Amparu Agricultural Co-operative Society Limited', Amparu. It is alleged that the amount of Rs. 3,95,65,000/- has been misappropriated by the petitioner. However, in the Audit, it is stated that he had deposited Rs. 03,65,000/-.

9. Be that as it may, the offences alleged are exclusively triable by a Magistrate. The offences are neither punishable with death nor imprisonment for life. However, the petitioner is in Judicial custody for a considerable length of



time. Keeping in mind that the petitioner has been incarcerated for a considerable length of time, it is appropriate to grant him bail by imposing suitable conditions that would take care of the apprehension of the prosecution. Hence, I proceed to pass the following:

ORDER

(i) The petition is ***allowed.***

(ii) The petitioner is ordered to be enlarged on bail in Crime No.1/2026 of respondent-police, pending on the file of Prl. Civil Judge and Judicial Magistrate of First Class, Kundapur, for the aforesaid offences on executing personal bond in a sum of Rs. 1,00,000/- (Rupees One Lakh only) with one surety for the like sum to the satisfaction of the Trial Court.

(iii) The petitioner shall not threaten or tamper with the prosecution witnesses nor hamper the proceedings of the Court.

(iv) The petitioner shall appear before the Trial Court on all hearing dates without fail.



(v) The petitioner shall not indulge in any
criminal cases till disposal of the case.

In case the petitioner violates any of the bail conditions
as stated above, liberty is reserved to the prosecution to file a
necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

JS/-
List No.: 1 SI No.: 29