



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. 2402 OF 2026

(438(Cr.PC)/482(BNSS))

BETWEEN:

NITHISH KUMAR
S/O. JAYAKUMAR. K.N.,
AGED ABOUT 26 YEARS,
R/AT NARAYANAPURA VILLAGE,
HAROHALLI HOBLI,
HAROHALLI TALUK,
BENGALURU SOUTH DISTRICT,
BENGALURU - 562 112.

...PETITIONER

Digitally
signed by
PAVITHRA
N



Location: (BY SRI. RAHUL P.,ADVOCATE)
High
Court of
Karnataka

AND:

THE STATE BY
KANAKAPURA TOWN POLICE STATION,
KANAKAPURA,
REP. BY S.P.P.



HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RANGASWAMY R., HCGP)

THIS CRL.P FILED U/S 438 CR.PC (FILED U/S 482 BNNS)
BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO DIRECT THE
RESPONDENT POLICE TO RELEASE PETITIONER ON
ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN FIR IN
CR NO.183/2025 FOR THE OFFENCES P/U/S 316(3) OF BNS
2023 IN KANAKAPURA TOWN POLICE STATION, KANAKAPURA
ON THE FILE OF THE 3RD ADDL. CIVIL JUDGE AND JMFC
KANAKAPURA, IN THE INTEREST OF JUSTICE. AND TO PASS
SUCH ORDERS AS IT DEEMS FIT BY THIS HON'BLE COURT IN
THE SAID FACTS AND CIRCUMSTANCES FOR THE ABOVE CASE
IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, 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 anticipatory bail in Crime No.183/2026 of the respondent police for the offence under Section 316(3) of the Bharatiya Nyaya Sanhita, 2023.

Brief facts of the case:

2. The case of the prosecution is that the petitioner and the other two persons were the employees of Muthoot Micro Finance Limited. The said company provides short-term loans to women. The branch of the company in Kanakapura has provided loans to the customers. The installments could be paid on a weekly or monthly basis. The petitioner used to collect the said amount from the customers by going to the respective houses of the customers. Thereafter, the amount would be deposited into the account of the company.

3. It is further alleged that an internal audit was conducted between 12.02.2025 and 30.11.2025 and found that the amount of Rs. 68,685/- collected by the petitioner had not been deposited into the account of the bank. Similarly, the present petitioner had collected an amount of Rs. 84,123/-



from the customers, and it has not been deposited. Therefore, a complaint was registered against the petitioner and others. Based on the said complaint, the respondent-police have registered a case and conducted the investigation, and the investigation is in progress.

4. Heard Sri.Rahul P., learned counsel for the petitioner and Sri.Rangaswamy R., learned High Court Government Pleader for the respondent-State.

5. It is the submission of learned counsel for the petitioner that the petitioner is innocent of the alleged offence. Due to some unavoidable circumstances, he did not deposit the amount within the stipulated time. However, he had no intention to commit any misappropriation. The petitioner is the sole earning member of his family, and he has to take care of the family. He will abide by the conditions imposed by this Court in the event of his release on bail. Making such submissions, he prays to allow the petition.

6. *Per contra*, learned High Court Government Pleader for respondent-State vehemently submitted that the petitioner,



being a Branch Manager, used to collect the amount from the customers; however, he did not deposit the said amount to the account of the bank as he had committed misappropriation of the bank. The case has been registered against the petitioner and others. Hence, it is not appropriate to grant the relief as prayed for, for the reasons that the proper custodial interrogation is necessary to deal with the matter suitably. Making such a submission, he prayed to reject the petition.

7. Heard learned counsel for the respective parties and perused the averments of the complaint. It appears that the complaint has been lodged by the Deputy Regional Manager of the complainant company. It is alleged against the petitioner that the petitioner was working as a Finance Officer at Narayanpura Village, Harohalli Hobli. When he was working in the said village, he had collected instalments from 8 customers, a sum of Rs. 84,123/-, and he had not deposited the said amount to the bank. Hence, he has committed the said offence.

8. Be that as it may. The submission of learned counsel for the petitioner is that the petitioner is a permanent resident of Narayanapura Village and he is the earning member



of the family. Having considered the said aspect and also considering the nature of the work of the Finance Officer submitted by the learned counsel for the petitioner, it is appropriate to grant him bail as prayed for. Hence, I proceed to pass the following:

ORDER

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

(ii) The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.183/2026 of respondent-police for the offence under Section 316(3) of the Bharatiya Nyaya Sanhita, 2023 on executing a 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.

(vi) The petitioner shall appear before the I.O within 1 month from today and he shall co-operate with the I.O till filing of chargesheet.

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