



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL APPEAL NO. 371 OF 2026 (U/S 14(A) (2))

BETWEEN:

SRI UMESHA
S/O. LATE NAGARAJU
AGED ABOUT 38 YEARS
RESIDING AT NO.138/2
NEW OXFORD ENGLISH SCHOOL
NEAR LAKSHMI TEMPLE ROAD
GANGONDANAHALLI
BENGALURU-562 123

...APPELLANT

(BY SRI SATYANARAYAN S. CHALKE, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY TUMAKURU RURAL POLICE STATION
REP. BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
DR.B.R.AMBEDKAR VEEDHI
BENGALURU-560 001
2. SRI NAGAMMA
W/O. LATE NARASIMHAMURTHY
AGED ABOUT 38 YEARS
RESIDING AT YALLAPURA



GULURU HOBLI
TUMAKURU-572 101

...RESPONDENTS

(BY SRI VINAY MAHADEVAIAH, H.C.G.P., FOR R-1;
SRI HARSHAVARDHAN, ADVOCATE FOR R-2)

THIS CRL.A. IS FILED U/S. 14(A)(2) OF SC/ST (POA) ACT, 2015 BY THE ADVOCATE FOR THE APPELLANT PRAYING TO SET ASIDE THE ORDER DATED 09.01.2026 TO THE APPELLANT BY DIRECTING THE RESPONDENT POLICE TO RELEASE HIM ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.329/2025 OF TUMAKURU RURAL POLICE STATION FOR THE OFFENCES P/U/S. 318(4), 351(2), 352 OF THE BNS 2023 AND SECTIONS 3(1)(r), 3(1)(s) AND 3(2)(va) OF SC/ST (POA) AMENDMENT ACT.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL JUDGMENT

The appellant a practicing advocate, is before this Court being aggrieved by the Order dated 09.01.2026 passed in Crl.Misc.No.176/2026, on the file of III Additional District and Sessions Judge, Tumakuru (hereinafter referred to as 'the Trial Court'), by which his petition filed under Section 482 of BNSS, 2023 seeking pre-arrest bail for the offences punishable under Sections 318(4), 351(2), 352 of BNS Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe



(Prevention of Atrocities) Amendment Act, 2015 has been rejected.

2. That upon a complaint dated 07.10.2025, filed by respondent No.2-complainant, the respondent-police registered a case in crime No.329/2025 for the alleged offences noted hereinabove. Respondent No.2-Complainant has alleged that she had engaged the services of the application in a case involving claim for compensation on account of the death of her husband involving in a motor vehicle accident. It is alleged that the said claim for compensation was compromised in Lokadalt in terms of which a sum of Rs.26,25,000/- was awarded and that the appellant herein, with an intention of defrauding the respondent No.2-Complainant had obtained her signature on the blank cheques, on the premise of presenting the same to the Court and had fraudulently got the amount transferred and had withdrawn a sum of Rs.14,17,500/- on 30.05.2025, without knowledge and concurrence of the respondent No.2-Complainant.

3. That on an enquiry, the bank officials had informed the respondent No.2-Complainant of the accused-appellant herein



having withdrawn the amount and they had also assured to show the CCTV footage in this regard. It is further alleged that when the respondent No.2-Complainant had enquired about the illegal withdrawal of the amount, the accused-appellant herein had declared that he is not liable to pay any amount to the respondent No.2-Complainant except for Rs.10,00,000/- and he had further abused her in a filthy language in the name of her caste and also threatened her with dire consequences.

4. Apprehensive of being arrested accused-appellant herein had preferred the petition under Section 482 of BNSS Act which came to be rejected by the impugned order.

5. Learned counsel for the appellant submits that that accused-appellant herein has filed a criminal petition in Crl.Pet.No.3510/2026 and the Co-ordinate Bench of this Court has granted interim order staying of further investigation in respect of the offences punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC and ST (PoA) Amendment Act, 2015 and that investigation for the BNS offences have not been stayed.



6. He further submits only allegation against the accused-appellant herein is of forging the signature of the respondent No.2-Complainant on the compromise petition and on the cheques. That even if the accused-appellant herein is granted bail there is no likelihood of he tampering with the said documents as the said documents would be available either before the Court or in the Bank as the case may be. That the accused-appellant herein has been falsely implicated only to avoid payment of his professional charges and that he is innocent of the allegations made. He submits that the accused-appellant herein being the practicing advocate since the year 2021 and he being a permanent resident of Bangalore, would cooperate in all respect with the investigation process and he would also abide by all the conditions that may be imposed by this Court. Hence, he seeks for allowing of the appeal.

7. Learned HCGP opposing the same submits that the allegations made against the accused-appellant herein are serious in nature and he being an advocate himself would cause prejudice and impediment in the process of investigation. Therefore, he submits that it is not a fit case for granting anticipatory bail and seeks dismissal of the appeal.



8. Learned counsel for the respondent No.2 who was to submit bank statement is absent.

9. Heard and perused the records.

10. Perusal of the complaint as noted above indicate that the accused-appellant herein is a practicing advocate and his services were engaged by respondent No.2-Complainant in MVC No.6726/2023 before the Small Causes Court, Bengaluru, which was filed seeking compensation on account of death of husband of the respondent No.2-Complainant in a road traffic accident. The said complaint further reveals that the matter was referred to Lokadalt and on 21.03.2025 the matter was settled, in terms of which a sum of Rs.26,25,000/- was awarded to the respondent No.2-Complainant. It is alleged that the said Lokadalt Award was without the consent and concurrence of respondent No.2-Complainant and that her signature was obtained on the compromise petition on false information and that the accused-appellant herein had also secured her signature on the cheques drawn on Karnataka Bank, K.G.Road, Bengaluru had withdrawn Rs.14,17,500/- on 30.05.2025 without her knowledge.



11. The allegations made are misuse of signature of the respondent No.2-complainant on the cheque and the compromise petition and fraudulent withdrawal of amount without her knowledge. It is not a case of forging of signature or fabrication of records. The Co-ordinate Bench of this Court has already stayed investigation in respect of offence punishable under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 2015.

12. Considering, the allegation and the backdrop of the case as narrated above and the accused-appellant herein being the practicing advocate having rendered the professional services to the respondent No.2-complainant. This Court in the facts and circumstances of the case, deems it appropriate to grant the relief of anticipatory bail subject to following conditions:

ORDER

- (i) Criminal Appeal No.371/2026 is ***allowed;***
- (ii) The impugned order dated 09.01.2026 passed in Criminal Miscellaneous Petition No.173/2026 by the III



Additional District and Sessions Judge, Tumakuru, is set aside.

(iii) The accused-appellant shall be released on bail in the event of their arrest in Crime No.329/2025 registered by the Tumakuru Rural Police Station on executing a self bond of Rs.1,00,000/- with one surety to the satisfaction of trial Court.

(iv) Accused-Appellant shall appear before the concerned Court and obtain regular bail within fifteen days from the date of receipt of copy of this order.

(v) Accused-Appellant shall not tamper or threaten the prosecution witnesses in any manner.

(vi) Accused-appellant shall not involve in similar offences in future.

(vii) Accused-Appellant shall make themselves available to the Investigating Officer for interrogation whenever called for.

Sd/-
(M.G.S. KAMAL)
JUDGE