



**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**  
**DATED THIS THE 25<sup>TH</sup> DAY OF MARCH, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR**  
**CRIMINAL PETITION NO.100379 OF 2026**  
**(439 OF CR.PC/483 OF BNSS)**

**BETWEEN:**

SHRI SAGAR HANAMANT SABAKALE,  
AGED ABOUT 39 YEARS,  
OCC: PEON, SHREE MAHALAXMI URBAN  
CO-OPERATIVE CREDIT BANK LTD., GOKAK,  
R/O. HALABAG GALLI, RAVIWAR PETE,  
GOKAK-591308, TQ. GOKAK, DIST. BELAGAVI.

...PETITIONER

(BY SRI KALYANSHETTY ASHOK REVANASIDDAPPA, ADVOCATE.)

**AND:**

THE STATE OF KARNATAKA, GOKAK TOWN P.S.,  
BY ITS STATE PUBLIC PROSECUTOR,  
ADVOCATE GENERAL OFFICE, HIGH COURT  
PREMISES, DHARWAD-580001.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP.)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483  
OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023,  
PRAYING TO ENLARGE THE PETITIONER/ACCUSED NO.1 ON  
BAIL, ON SUCH TERMS AND CONDITIONS AS DEEMED FIT, IN  
GOKAK CITY P.S. CRIME NO.91/2024 REGISTERED FOR THE  
OFFENCES PUNISHABLE UNDER SECTIONS 49, 61(2), 316(2),  
316(5), 318(4), 336(2), 336(3) AND 340(2) READ WITH



SECTION 3(5) OF BHARATIYA NYAYA SANHITA, 2023, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

**ORAL ORDER**

Heard the arguments of Sri Ashok R. Kalyanshetty, learned counsel for petitioner and Sri Abhishek Malipatil, learned HCGP for respondent State and perused the material placed before the Court.

2. This petition is filed by the petitioner/accused No.1 under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner/accused on bail in Gokak City P.S. Crime No.91/2024 registered for the offences punishable under sections 49, 61(2), 316(2), 316(5), 318(4), 336(2), 336(3) and 340(2) read with section 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. It is the brief case of prosecution as per the complaint averments, FIR and charge sheet materials that the petitioner is accused No.1 who was working as a Peon in



the bank, but the complainant is Chairman of the bank. Accused No.1 being employee as Peon in the bank, has opened several accounts, which are SB account, FD account RD account, current account, etc., in the name of is wife and his relatives and without providing any KYC documents for opening such accounts and obtained loan through these accounts to the tune of Rs.81,83,67,000/- and has purchased many movable and immovable properties and thereafter has not reimbursed the amount to the bank. Thus, committed the offence of cheating, forgery, criminal breach of trust, etc., along with making conspiracy with other accused persons. Therefore, the offences alleged are foisted against petitioner/accused No.1 and other accused persons for the offences as stated above.

4. The case was handed over to the CID police for investigation and now the police have filed the charge sheet to the Court.



5. Learned counsel for the petitioner/accused No.1 submitted that all the offences are triable by the Court of Magistrate and the petitioner was arrested on 04.02.2025 and is in judicial custody since then for more than one year two months. Now investigation is completed and charge sheet is filed. Therefore, the petitioner is no more required for custodial interrogation. Further submitted that the petitioner is only a scapegoat as he was a Peon, but there are other accused persons who are General Manager, Branch Manager and other officials having committed all these offences. Therefore, the prosecution case against the petitioner is doubtful one as he was only a Peon. Hence, prays to release the petitioner on bail.

6. Learned HCGP vehemently opposed the grant of bail to the petitioner as huge amount of Rs.81,83,67,000/- is involved and there is conspiracy among all the accused persons including the petitioner. Therefore, prays to dismiss the petition.



7. The petitioner is not the only accused in this case. There are other accused persons named in the charge sheet who are General Manager, Branch Manager, Accountant and other accused persons. The petitioner is a Peon working in the bank. It is the allegation against the petitioner that he has opened account in the name of his wife, and relatives and made a forgery document of depositing of Rs.6,97,30,036/- as FD and on the said FD amount, an amount of Rs.81,83,67,000/- was got sanctioned as loan. Whether complicity of petitioner/accused No.1 is there or not is a question for trial and what are the roles played by which accused is also a question of trial. As per the submission made by the learned HCGP, charge sheet is filed and all the offences are triable by the Magistrate. The accused is in custody since 04.02.2025. The witnesses are Chairman and other persons having responsibility of the bank. The entire trial is based on the documentary evidence. Hence, no chances of threatening the witnesses are prima facie found. Therefore,



without expressing any opinion on merits involved in the case, and the petitioner is in custody since 04.02.2025, the Court is of the opinion that the petitioner is liable to be enlarged on bail by allowing this petition. Hence, I proceed to pass the following:

ORDER

- i) The petition is allowed.
- ii) The petitioner/accused No.1 is ordered to be enlarged on bail in Gokak City P.S. Crime No.91/2024 registered for the offences punishable under sections 49, 61(2), 316(2), 316(5), 318(4), 336(2), 336(3) and 340(2) read with section 3(5) of Bharatiya Nyaya Sanhita, 2023, subject to the following conditions.

- a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- along with one surety for the like sum to the satisfaction of the trial Court.



b) The petitioner shall not leave the jurisdiction of the trial Court without prior permission of the Court.

c) The petitioner shall not tamper and threaten the prosecution witnesses in any manner.

d) The petitioner shall mark his attendance before the concerned police station on every Saturday between 11.00 a.m. to 02.00 p.m.

e) The petitioner shall attend the Court regularly during the trial without fail. If not attend for consecutive two times it entails cancellation of bail.

iii) Violation of any of the conditions imposed would entitle the prosecution to move for cancellation of bail.

**Sd/-  
(HANCHATE SANJEEVKUMAR)  
JUDGE**