



CNR: KAHC010436532026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 5TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 9257 OF 2026

BETWEEN:

1. GANAPPA
AGED ABOUT 56 YEARS,
S/O KUPPA,
R/O HOUSE NO.69-A-VI,
KANVARISING ROAD,
KUNDAPURA, KASABA VILLAGE AND POST,
KUNDAPURA TALUK,
UDUPI DISTRICT - 576 201
2. K. RADHNAKRISHNA SARANGA,
AGED ABOUT 62 YEARS,
S/O LATE SRINIVASA SARANGA
R/O 429-1/VI, CHIKKANSAL ROAD NEAR
MAILARESHWARA TEMPLE,
KUNDAPURA, KASABA VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT - 576 201.
3. SANJEEVA,
AGED ABOUT 50 YEARS,
S/O ANANDA,
R/O 6-421,
SUNSHEELANANDA NILAYA,
NEAR KALIKA KENDRA, HALEALIVE
KOTESHWARA VILLAGE AND POST,
KUNDAPURA TALUK,
UDUPI DISTRICT - 576 222.

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by NANDINI M
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Location: HIGH
COURT OF
KARNATAKA





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4. LAKSHMAN SHETTY,
AGED ABOUT 70 YEARS,
S/O BUDDIVANTHA SHETTY
R/O 1-49, DEVALKUNDA VILLAGE,
KUNDAPURA TALUK,
UDUPI DISTRICT 576230

...PETITIONERS

(BY SRI. K PRASANNA SHETTY.,ADVOCATE)

AND:

STATE BY SHO
KUNDAPURA POLICE STATION,
UDUPI DISTRICT,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001

...RESPONDENT

(BY SRI. RANGASWAMY.B, HCGP)

THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNSS) PRAYING THAT PLEASED TO ENLARGE THE PETITIONERS ON BAIL IN THE EVENT OF THEIR ARREST IN CR.NO.50/2026 REGISTERED BY THE RESPONDENT POLICE, PENDING ON THE FILE OF 1ST ADDL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT KUNDAPURA FOR THE OFFENCE P/U/S 336(2),336(3),340(2) R/W 3(5) OF BNS 2023THE I ADDL.DIST. AND SESSIONS JUDGE, UDUPI, (SITTING AT KUNDAPURA).

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY



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ORAL ORDER

1. Accused nos.2 to 5 in Crime No.50 of 2026 registered by Kundapura Police Station, Udupi District for offences punishable under Sections 336(2), 336(3), 340(2) r/w Section 3(5) of BNS, 2023 are before this Court in this petition filed under Section 482 of BNSS, 2023 seeking anticipatory bail.

2. Heard the learned counsel appearing for the parties.

3. FIR in Crime No.50 of 2026 was registered by Kundapura Police Station, Udupi District for the aforesaid offences. Apprehending arrest in the said case, petitioners, who are arrayed as accused nos.2 to 5 in the FIR had filed Criminal Misc.No.614 of 2026 before the jurisdictional Sessions Court, which was dismissed on 20.06.2026. Therefore, they are before this Court.

4. In the first information dated 04.06.2026, it is stated that, Krishnaraya Pai, who is the grandfather of the first informant, had purchased certain items of immovable properties in Kundapura Kasaba Village, under registered sale



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deed dated 01.07.1968 and after his death, his son U. Devaraya Pai @ Devarao, who is the father of the first informant, had succeeded to the said property and revenue records were also transferred to his name. Devaraya Pai had died on 10.11.2014 at Mumbai. It appears that accused nos.1 and 2 along with other accused persons have created a forged General Power of Attorney dated 05.12.2025, purported to have been executed by aforesaid Late U. Devaraya Pai @ Devarao and by Late K. Anand @ K Anand Rao, advocate, in the name of accused no. 2.

5. It is alleged that accused no.1 had impersonated Late U. Devaraya Pai @ Devarao and Late K. Anand, also was impersonated by somebody and accused nos.3 and 4 are said to be the attesting witnesses to the General power of attorney dated 05.12.2025. Accused no.5 is said to be the advocate who had drafted the said deed.

6. Since the power of attorney is executed in favour of accused no.2, it is not open for him to contend that he was not aware that Late Devaraya Pai and Late K. Anand @ K Anand



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Rao were impersonated by somebody else. He would be the best person to say as to who had impersonated Late K. Anand @ K Anand Rao. Insofar as accused nos.3 to 5 are concerned, they are the attesting witnesses and advocate who had drafted the aforesaid general power of attorney.

7. It is not in dispute that accused nos.3 to 5 do not have any criminal antecedents and they have undertaken to cooperate with the police for the purpose of investigation.

8. In view of aforesaid circumstances, I am of the opinion that, the prayer made by accused no.2 for grant of anticipatory bail cannot be entertained while the prayer of the other accused needs to be answered affirmatively. Accordingly, the following:-

ORDER

(i) The Criminal Petition is ***partly allowed.***

(ii) Criminal petition is ***allowed insofar as it relates to accused nos.3 to 5*** and criminal petition is ***dismissed insofar as it relates to accused no.2.***



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(iii) The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner nos.2 to 4 / accused nos.3 to 5 in the event of their arrest in Crime No.50 of 2026 registered by Kundapura Police Station, Udupi District for offences punishable under Sections 336(2), 336(3), 340(2) r/w Section 3(5) of BNS, 2023, subject to the following conditions:-

1. Petitioners shall appear before the Investigating Officer in the present case within a period of fifteen days from the date of receipt of certified copy of this order on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties for the likesum to the satisfaction of the investigating officer/jurisdictional Court.

2. Petitioners shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioners shall not tamper with the prosecution witness and they shall co-operate with



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the Police for investigation and appear before them
whenever called upon.

4. Petitioners shall not involve in similar
offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

NMS
List No.: 1 SI No.: 57