

(2026) 08 KAR CK 2100

In the Karnataka High Court, Bengaluru Bench

Case No : CRIMINAL PETITION NO. 10659 OF 2026 C/W CRIMINAL PETITION
NO. 10698 OF 2026, CRIMINAL PETITION NO. 10699 OF 2026,
CRIMINAL PETITION NO. 10747 OF 2026

Sri Sunil B. Devagirimath

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438
BNS, 2023 — Sections 316(2), 318(4), 61(2), 3(5)
BNSS, 2023 — Section 482

Citation : (2026) 08 KAR CK 2100

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : Sri Bharath Kumar V, Sri Vinay Mahadevaiah

Final Decision : Allowed

Judgement

1. Petitioners, who are apprehending arrest in the Crime Nos.125/2026 & 127/2026 registered by Hanumanthanagar Police Station, Bengaluru City, for the offences punishable under Sections 316(2), 318(4), 61(2), 3(5) of BNS, 2023, are before this Court in these aforesaid petitions filed under Section 482 of BNSS, 2023, seeking anticipatory bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime Nos.125/2026 & 127/2026 were registered by Hanumanthanagar Police Station, Bengaluru City, for the aforesaid offences against the petitioners and others based on two separate first information received from G.D.Arun and Naveen Kumar.D. Apprehending arrest in the said cases, petitioners had approached the jurisdictional Sessions Court in CrI. Misc. No.6651/2026 & CrI. Misc. No.6652/2026 disposed of on 13.07.2026. It is under these circumstances, they are before this Court in these petitions.

4. Learned Counsel for the petitioners having reiterated the grounds urged in the petition submits that petitioner no.2 is the wife of petitioner no.1. He submits that petitioner no.1 is a real estate agent and he allegedly had introduced the complainants who are tenants, to the owner of the property who subsequently leased the property to the complainants. The allegation in the first information is that the owner of the property has availed loan on the leased property, against which banks have now initiated recovery proceedings. The owner of the property who has availed loan from the bank, has refused to repay the leased amount to the tenants/first informants. It is under these circumstances, the aforesaid cases are registered against the petitioners and others for the aforesaid offences.

5. Per contra, learned HCGP who has opposed the petition submits that there are several other cases registered against accused no.1 with similar allegations. He submits that the modus operandi in all the cases are similar. Custodial interrogation of the petitioners, therefore, becomes necessary. Accordingly, he prays to dismiss the petitions.

6. Perusal of the first information in the present cases would go to show that accused no.2 is the owner of the property that is leased to the first informants. Accused no.1 is said to be the real estate agent who had introduced the first informants as tenants to accused no.2, who in turn has executed lease deed in favour of the tenants/first informants. Though in the first information, there is an allegation that part of the lease amount is paid to the owner of the property and balance amount is paid to accused no.1 in cash, perusal of the lease deed would go to show that the entire lease amount has been received by the owner of the property/accused no.2.

7. Petitioners, who are husband and wife, have undertaken to co-operate with the police for the purpose of investigation. The lease deeds in the present case have been executed in the year 2023-24. In normal circumstances, after such lease deeds are executed, the role of real estate agent who had introduced the tenants to the owner is over. The allegation in the first information is that the owner has availed loan for the properties which are the subject matter of lease agreements and he has not repaid the said loan. Therefore, bank has initiated proceedings against the property which is the subject matter of lease agreement. The owner allegedly has refused to repay the amount under the lease agreement executed between the owner and the first informants. Considering the nature of allegations, I am of the opinion that the prayer made by the petitioners' in these petitions for grant of anticipatory bail is required to be answered affirmatively. Accordingly, the following order:

8. The petitions are allowed. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioners in the event of their arrest in Crime Nos.125/2026 & 127/2026 registered by Hanumanthanagar Police Station, Bengaluru City, for the offences punishable under Sections 316(2), 318(4), 61(2), 3(5) of BNS, 2023, subject to the following conditions:

1. Petitioners shall appear before the Investigation Officer on 17.08.2026 at 10.30 a.m. and on the said date, the Investigation Officer shall be at liberty to take them into custody if necessary for the purpose of interrogation. However, it is made clear that after interrogation, Investigation Officer shall release the petitioners on the same day on or before 06.00 p.m. subject to petitioners 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;
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 the police for investigation and appear before them whenever called upon.
4. The petitioners shall not involve in similar offences in future.