



CNR: KAHC010027222026

NC: 2026:KHC:41480
CRL.P No. 646 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 6TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE RAVI V HOSMANI
CRIMINAL PETITION NO.646 OF 2026

BETWEEN:

SMT.MARINA FERNANDIS
D/O LATE VIKKI FERNANDIS,
AGED ABOUT 65 YEARS,
R/A NO.109,
OPP. INFANT JESUS CHURCH,
NEELASANDRA,
VIVEKANAGAR POST,
BENGALURU - 560 047.

...PETITIONER

(BY SRI MUKUNDAN R., ADVOCATE)

AND:

STATE OF KARNATAKA
BY VIDHANA SOUDHA POLICE STATION,
BENGALURU
REP BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU 560 001.

...RESPONDENT

(BY SMT.SOWMYA R., HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS)
PRAYING TO ENLARGE HER ON BAIL IN CR.NO.117/2024 LATER
REGISTERED AS CC.NO.9917/2025 BY THE RESPONDENT
HEREIN U/S 318(4),79,3(5) OF BNS, 2023, REGISTERED BY
VIDHANA SOUDHA P.S., BENGALURU CITY (RESPONDENT

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



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HEREIN) AS BAIL APPLICATION FILED U/S 483 OF BNSS, 2023 BY THE PETITIONER IN THE COURT OF LXXI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY (CCH-72) IN CRL.MISC.NO.8903/2025 U/S 483 OF BNSS, 2023 SEEKING GRANT OF BAIL WHICH CAME TO BE DISMISSED ON 29.10.2025.THE LXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU HAS DISMISSED THE BAIL PETITION ON 29.10.2025 IN CRL.MISC.NO.8903/2025.

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

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

This petition is for regular bail by accused no.3 in Crime no.117/2024 registered by Vidhana Soudha Police Station, in which charge sheet is also filed in CC no.9917/2025 before 41st Additional Chief Judicial Magistrate Court, Bengaluru for offences punishable under Sections 318 (4), 79 and 3 (5) of Bharatiya Nyaya Sanhita, 2023 (**BNS**).



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2. Sri Mukundan R., learned counsel for petitioner submitted that case of prosecution was that accused no.3 - petitioner herein was an advocate and son of CW-2 - Theresa Vasudevan was in judicial custody in Crime no.206/2021 registered by Bayappanahalli Police Station for offences punishable under Sections 341, 323, 302 read with Section 34 of Indian Penal Code, 1860 (**IPC**).

3. It was alleged that accused no.3 assured CW-2 that she was acquainted with Presiding Officer and would secure bail and have proceedings quashed against son of CW-2 and as such, demanded and received Rs.10,00,000/-. However, Criminal Petition no.3899/2022 came to be dismissed. Even petition for bail filed before this Court came to be dismissed on two occasions. Thereafter, accused no.3 issued three cheques to CW-2 for return of Rs.9,00,000/- and subsequently introduced CW-2 to accused no.2 stating that accused no.2 was acquainted with High Court Judge and if amount was paid, she would secure bail. And on said pretext, received Rs.72,000/- at A2B Hotel, Banaswadi on 27.08.2024 and out of which, accused no.2 paid Rs.10,000/- to CW-4.



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4. It was submitted thereafter, CW-4 engaged services of another advocate, who filed Criminal Petition no.11259/2024 and demanded further amount, when same was denied, accused no.2 abused CW-2 by stating that in case she was unable to pay money, she should go and sleep with Judge. Complainant alleged that said acts amounted to offences and addressed correspondence to Registrar of High Court on 18.12.2024 and based on same, Registrar of High Court had directed filing of complaint. Said complaint was registered as Crime no.117/2024 by Vidhana Soudha Police Station.

5. It was submitted, proceedings insofar as accused no.1 in Criminal Petition no.2169/2025, this Court had passed an order not to take any coercive steps. It was further submitted that in Criminal Petition no.1768/2025, this Court had granted stay of investigation against accused-4. And Criminal Miscellaneous no.3017/2025 by order dated 22.04.2025 learned LXXI Additional City Civil and Sessions Judge, Bengaluru City (CCH-72) had granted bail.



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6. It was submitted that accused no.3 was apprehended on 11.01.2025 and was in custody since then. During which period, investigation was completed and charge sheet was filed on 01.03.2025. Therefore, presence of accused no.3 for custodial interrogation etc. would not be necessary. It was further submitted that in Criminal Miscellaneous no.3017/2025 had granted bail to accused no.2 by taking note of fact that accused no.2 was a lady and investigation was already completed.

7. It was submitted on ground of parity, relying on decision of Hon'ble Supreme Court in case of **Mohan Gajanan Khismatrao v. State of Maharashtra**, (Diary no.17079/2024). It is further submitted that offence invoked against accused no.3 was only under Section 318 (4) of BNS carrying maximum punishment of two years with fine and accused no.3 had already spent more than half of duration of maximum sentence in jail. Relying on decision of Hon'ble Supreme Court in case of **Manoj Kumar Pattanaik v. DVS Kishore**, reported in **2023 SCC OnLine SC 1514**. It was



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submitted petitioner was agreeable for imposition of any condition and sought for allowing petition and grant of bail.

8. On other hand, Smt.Sowmya R., learned HCGP for respondent - State opposed petition. It was submitted, there were serious allegations against accused no.3 and there was sufficient material collected during investigation would implicate accused no.3, charges were of serious offences and therefore sought for dismissal.

9. Heard learned counsel and perused material on record.

10. Only point that would arise for consideration is:

"Whether petitioner is entitled for bail?"

11. Answer to same is in affirmative for following reasons:

- i. Allegations insofar as accused no.3 and accused no.2 are similar in nature namely of extracting money from clients by claiming to



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use it as consideration for influencing
Presiding Officer/Judge to obtain bail.

- ii. Accused no.3 and accused no.2 are both ladies. Only offence invoked against accused no.3 is punishable under Section 318 (4) BNS carrying maximum sentence imprisonment for period of two years.
- iii. Accused no.3 has been in custody since more than one year, which would be more than half of maximum duration of sentence.
- iv. Besides bail is granted to accused no.2 by taking note of fact that investigation was completed and accused no.2 therein was a lady and incarceration prior to order of conviction could not be permissible. Same would inure to accused no.3 also on ground of parity.



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v. Though in charge sheet, it is stated that further investigation would be necessitated after vacation of interim order of stay of investigation against accused no.4, interest of prosecution could be protected by imposition of appropriate conditions.

12. For aforesaid reasons, following:

ORDER

- a. Petition is ***allowed***, petitioner - accused no.3 is enlarged on bail.
- b. Learned XLI Additional Chief Judicial Magistrate, Bengaluru is hereby directed to release petitioner - accused no.3 in Vidhana Soudha Police Station in Crime no.117/2024 in CC no.9917/2025 on bail on she executing personal bond for Rs.2,00,000/- with one surety for like sum on strict verification of surety documents on following conditions.
- c. Petitioner - accused no.3 shall appear to Court on all dates of hearing without fail.



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- d. Petitioner - accused no.3 shall not threaten prosecution witness and tamper evidence.
- e. Petitioner - accused no.3 shall appear before Investigating Officer as and when required for further investigation and co-operate for same.
- f. Petitioner - accused no.3 shall furnish her proof of identity and address and shall inform Investigating Officer in case of change of address.

**Sd/-
(RAVI V HOSMANI)
JUDGE**

GRD
List No.: 1 Sl No.: 7