



CNR: KAHC010566122026

NC: 2026:KHC:49676
CRL.P No. 12448 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12448 OF 2026

BETWEEN:

1. SRI. HEMANTH KUMAR NAGARAJ
(HEMANTH KUMAR)
AGED ABOUT 44 YEARS,
S/O V NAGARAJ,
R/AT 22, 32ND CROSS,
BHAVANI HOUSING COLONY,
BANASHANKRI III STAGE,
BENGALURU SOUTH
KARNATAKA - 560 085.
2. SRI. YASHAS D,
AGED ABOUT 33 YEARS,
S/O B.M. DINESH
R/AT 206, 7TH A MAIN, RPC LAYOUT,
VIJAYANAGARA, BANGALORE NORTH,
KARNATAKA - 560 085.

...PETITIONERS

(BY SRI. SHIVAKUMAR N, ADVOCATE)

AND:

1. STATE BY BASAVESHWARA NAGAR
POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,



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DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 438 OF CR.PC (FILED U/S 482 BNSS) PRAYING TO DIRECT THE RESPONDENT POLICE TO RELEASE THE PETITIONERS ON BAIL IN THE EVENT OF HIS ARREST IN CONNECTION WITH CRIME. NO.230/2026 OF RESPONDENT BASAVESHWARA NAGAR POLICE STATION BENGALURU FOR THE OFFENCE PUNISHABLE U/S. 318(4), 316(2), 316(3), 308(3), 319(2), 340, 351(3), 61(2) R/W 3(5) OF THE BHARATIYA NYAYA SANHITA, 2023 PENDING ON THE FILE OF 4TH ACMM COURT AT BENGALURU, BY SETTING ASIDE THE ORDER DATED 10/08/2026 IN CRIMINAL MISC PET NO.7325/2026 PASSED BY THE LXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE BANGALORE CITY (CCH-68).

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.1 and 2 in Crime No.230/2026 registered by Basaveshwara Nagar Police Station, Bengaluru City for the offences punishable under Sections 318(4), 316(2), 316(3), 308(3), 319(2), 340, 351(3), 61(2) read with Section 3(5) of BNS 2023, are before this



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Court in this petition filed under Section 482 of BNSS 2023, seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.230/2026 was registered by Basaveshwara Nagar Police Station, Bengaluru City for the aforesaid offences against the petitioners herein, based on the first information dated 26.06.2026 received from Sri Ramesh Kandaiyah, who is said to be the representative of a company known as M/s. Sai Advaith Builders. Apprehending arrest in the said case, the petitioners had filed Crl.Misc.No.7325/2026 before the jurisdictional Sessions Court, which was rejected on 10.08.2026. Therefore, they are before this Court.

4. FIR in the present case is registered based on the first information submitted by one Sri Ramesh Kandaiyah on 26.06.2026. A reading of the first information would reveal that the first informant is representing a construction company known as M/s Sai



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Advaith Builders, whereas the accused persons are also in the business of construction under a company named M/s Shaiva Constructions LLC. According to the first informant, the accused had approached M/s Sai Advaith Builders seeking financial assistance and therefore, on various dates from 10.02.2025 onwards, totally a sum of Rs.7,55,00,000/- was given as loan through bank transactions and also in cash. Subsequently, when a demand was made for repayment of the amount borrowed by the accused, they allegedly threatened the first informant and criminally intimidated him. It is under these circumstances that the first informant had approached the Police.

5. A reading of the first information itself would reveal that the amount was borrowed by the accused persons from a company known as M/s Sai Advaith Builders. Material on record would go to show that the transactions between the parties were under documentation, including the agreements executed



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between the parties. Therefore, the dispute between the parties appears to be civil in nature and by giving a criminal texture to such a dispute, FIR has been registered in the present case.

6. Learned counsel for the petitioners has submitted that petitioners do not have any criminal antecedents and they are willing to cooperate with the police for the purpose of investigation.

7. The alleged offences are triable by the Court of Magistrate and the maximum punishment for the same is imprisonment for a period of 7 years.

8. Under these circumstances, I am of the opinion that the prayer made by the petitioners for grant of anticipatory bail needs to be answered affirmatively subject to appropriate conditions. Accordingly, the following:



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ORDER

- i) The criminal petition is **allowed**.
- ii) 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 No.230/2026 registered by Basaveshwara Nagar Police Station, Bengaluru City for the offences punishable under Sections 318(4), 316(2), 316(3), 308(3), 319(2), 340, 351(3), 61(2) read with Section 3(5) of BNS 2023, subject to the following conditions:

- a) The petitioners shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum to the satisfaction of the investigating officer.



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- b) The petitioners shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.
- c) The 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.
- d) The petitioners shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 1 Sl No.: 80