



CNR: KAHC010569682026

NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12637 OF 2026

C/W

CRIMINAL PETITION NO. 12916 OF 2026

IN CRL.P No. 12637/2026

BETWEEN:

FRANCIS,
S/O LATE AROGYA SWAMY,
AGED ABOUT 60 YEARS,
R/AT GOVINDAPPA BUILDING,
NEAT VITTASANDRA LAKE,
VITTASANDRA VILLAGE, BEGURU HOBLI,
BENGALURU SOUTH,
BENGALURU - 560 068.

...PETITIONER

(BY SRI. RAJASHEKARA R.V, ADVOCATE)

AND:

STATE OF KARNATAKA BY
KUMBALAGODU POLICE STATION,
BENGALURU - 560 074,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)





CNR: KAHC010569682026

NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) OF CR.P.C PRAYING TO RELEASE HIM ON BAIL IN CRIME NO.140/2026 OF KUMBALAGODU POLICE, THE ALLEGED OFFENCE P/US/ 318(4), 319(2), 336(2), 336(3), 329(3), 329(3), 340(2), 351(2) OF BNS 2023, PENDING ON THE FILE OF THE II ADDL CJM AT BENGALURU.

IN CRL.P NO. 12916/2026

BETWEEN:

MR. AROGYASWAMY A
S/O. CHINNAPPA
NO. 36, THOTADA MANE
MAILSANDRA, BANGALORE SOUTH
BEGUR, BANGALORE - 560 068.

...PETITIONER

(BY SRI. VISHWAS, ADVOCATE)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY KUMBALAGODU
POLICE STATION,
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO ALLOW THIS PETITION AND ENLARGE HIM ON REGULAR BAIL IN CR.NO.140/2026 REGISTERED BY KUMBALGODU P.S., FOR THE OFFENCES P/U/S 318(4), 319(2), 336(2), 336(3), 329(3), 340(2), 351(2) OF BNS, PENDING BEFORE THE II ACJM, BENGALURU RURAL DISTRICT, BENGALURU.



NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

CNR: KAHC010569682026

THESE PETITIONS, 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.140 of 2026 registered by Kumbalagudu Police Station, Bengaluru City for the offences punishable under Section 318(4), 319(2), 336(2), 336(3), 329(3), 338, 340(2), 351(2) read with section 3(5) of BNS, 2023, are before this Court in these two petitions filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.140 of 2026 was registered by Kumbalagudu Police Station, Bengaluru City for the aforesaid offences against petitioners herein and others, based on the first information dated 10.06.2026 received from Secretary of Sri.Adi Chunchanagiri Educational Trust Bengaluru. During the course of investigation of the said



CNR: KAHC010569682026

NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

case, the accused No.1 and 2 were arrested on 26.06.2026 and subsequently, they were remanded to judicial custody. Their bail application filed before the jurisdictional Sessions Court was rejected. Therefore, they are before this Court.

4. Learned counsel for the petitioners having reiterated the grounds urged in the petition submits that investigation of the case is now completed and charge sheet has been filed. Accused No.5 who was arrested in the present case has been granted regular bail by this Court in Crl.P.No.11642 of 2026. Accordingly, they pray to allow the petition.

5. *Per contra*, learned High Court Government Pleader who has filed the statement of objections opposing the bail application submits that, in the charge sheet which is filed subsequently for the offence punishable under Section 338 of BNS, 2023 has been invoked. Considering the role of the petitioners in the alleged crime and also the gravity of the offences, their prayer needs to be rejected.



CNR: KAHC010569682026

NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

6. In the first information submitted by the Secretary of Sri.Adi Chunchanagiri Educational Trust, it is stated that land bearing Sy.No.43 measuring 45 acres situated at Kumbipura village, Kengeri Hobli, Bengaluru was granted to the institution in the year, 2004 and subsequently, the revenue records of the said land was transferred in the name of the institution and vast improvements are also made in the said land. Accused No.1 - Francis subsequently had filed O.S.No.1390 of 2025 before the jurisdictional Civil Court in respect of 6 acres of land in the aforesaid property bearing Sy.No.43 alleging that the said extent of land was granted to his father late.Arogya Swamy under a grant order dated 24.08.1961. Doubting the genuineness of the said grant order, the Secretary of Sri.Adi Chunchanagiri Educational Trust had approached the police.

7. Accused No.5, who was arrested in the present case had approached this Court seeking regular bail in Crl.P.No.11642 of 2026, which was allowed by this Court



NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

CNR: KAHC010569682026

vide order dated 17.08.2026. In paragraph No.8 and 9 of the said order, it is observed as follows:

"8. During the course of investigation, it was found that original file relating to the grant made to one Arogya Swamy - retired military servant, was handed over to accused nos.1 & 2 by accused no.8, and thereafter, accused nos.4 & 5 had created documents in the original file to suit the requirement of the bogus claim of accused nos.1 & 2 named in the present case. Accused no.8 had subsequently issued certified copies of the said fraudulent documents. Based on the copies of the fraudulent documents, multiple litigations were initiated by the parties claiming right over 6 acres of land in Sy.No.43 which was allegedly assigned new Sy.No.234 and they had also entered into an agreement of sale and had received huge advance amount of more than Rs.One Crore from the intending purchasers.

9. Accused nos.4 & 5 created saguvali chit in the name of Arogyaswamy and according to the prosecution, the bogus document in Kannada language was written by accused no.4 and in English language, it was written by accused no.5. After creating fraudulent documents, accused



CNR: KAHC010569682026

NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

no.8 had placed the created documents in the original file and had kept the same in the record room. Subsequently, accused no.2 filed application seeking documents relating to grant, khata, mutation, etc., and accused no.8 based on the said applications, has issued certified copies of the fraudulent documents which were used for initiating multiple proceedings in support of the fraudulent claim by accused nos.1 & 2. "

8. Investigation of the case is now completed and charge sheet is filed. Though, learned High Court Government Pleader has contended that offence punishable under Section 338 of BNS, 2023 has been invoked in the present case, which is punishable with life imprisonment, he is not in a position to demonstrate as to how the allegations found in the charge sheet would attract the said offences. All the other offences are triable by the Court of Magistrate and maximum punishment for the said offence is imprisonment for the period of 7 years.



NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

CNR: KAHC010569682026

9. Learned counsel for the petitioners has contended that the petitioners do not have any criminal antecedents and the said submission is not seriously disputed by the learned High Court Government Pleader.

10. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

(i) The Criminal Petition is allowed.

(ii) The petitioner is directed to be enlarged on bail in Crime No.140 of 2026 registered by Kumbalagodu Police Station, Bengaluru City for the offences punishable under Section 318(4), 319(2), 336(2), 336(3), 329(3), 338, 340(2), 351(2) read with section 3(5) of BNS, 2023, subject to the following conditions:



CNR: KAHC010569682026

NC: 2026:KHC:54381
CRL.P No. 12637 of 2026
C/W CRL.P No. 12916 of 2026

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;
- e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 49