



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 2504 OF 2025 (KPIDFE)

BETWEEN:

SRI. VIJAY KUMAR S SIRIGERE
S/O LATE SIDDAPPA SIRIGERE
AGED ABOUT 41 YEARS
R/AT D.NO.93, HOLE ANAWERI VILLAGE,
MUDENURU POST, RANEBENNUR TALUK
HAVERI DISTRICT-581 115.

...APPELLANT

(BY SRI. HAREESH T. BHANDARY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
EXTENSION POLICE STATION,
DAVANAGERE-577 001
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU.



2. SRI. SUDEEP T.E
AGED ABOUT 35 YEARS
S/O LATE ESHWAR NAIK
R/AT NO.173, 1ST MAIN, 1ST CROSS,
CHIKKANAHALLI NEW EXTENSION,
NITUVALLI
DAVANAGERE-577 001.

...RESPONDENTS

(BY SMT. ASMA KOUSER, ADDL. SPP FOR R1)

THIS CRL.A IS FILED U/S 16 OF KPIDFE ACT PRAYING TO SET ASIDE THE ORDER DATED 01.12.2025 PASSED BY PRL. DISTRICT AND SESSIONS JUDGE, DAVANAGERE DISTRICT, AT DAVANAGERE AND ENLARGE THE APPELLANT ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN CR.NO.201/2025 REGISTERED BY THE RESPONDENT EXTENSION P.S., DAVANAGERE, FOR THE OFFENCES P/U/S 9 OF THE KPIDFE ACT, 2004, U/S 316(2), 318(4) OF BNS, 2023, PENDING ON THE FILE OF PRL. DISTRICT AND SESSIONS JUDGE, DAVANAGERE.

THIS APPEAL, HAVING BEEN HEARD AND RESERVED ON 10.06.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THE COURT DELIVERED THE FOLLOWING:



CORAM: HON'BLE MR. JUSTICE S RACHAIAH

CAV JUDGMENT

This appeal has been filed by the appellant who is the accused in this case seeking regular bail in Cr.No.201/2025 filed by the respondent-Police for the offences punishable under Sections 316(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023 and also Section 9 of the Karnataka Protection of Interest Depositors in Financial Establishment Act, 2004.

Facts of the case:

2. A complaint came to be registered by one of the partners of the real-estate company stating that the appellant herein with an intention to defraud the other partners, diverted the money approximately Rs.3 Crores and above and thereby, he has cheated the other partners. Based on the said complaint, the respondent-Police registered a case and conducted investigation. The investigation is under progress.

3. The submission of the learned counsel for the appellant is that a complaint came to be registered by one of the partners of the company, which is not maintainable and



provisions of KIPD Act would not be attracted. If any dispute in respect of partnership, the remedy lies under civil law. Therefore, the appeal is maintainable.

4. It is further submitted that appellant is a reputed person in the society. He will abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submissions, learned counsel for the appellant prays to allow the appeal.

5. *Per contra*, learned High Court Government Pleader for respondent No.1-State vehemently submitted that this appeal is not maintainable in view of the bar under Section 18 of KPID Act. Therefore, the same has to be rejected.

6. Having heard the learned counsel for the respective parties and also on perusal of the averments of the complaint, a complaint came to be registered by one of the partners. The averments of the complaint would indicate that there is a dispute between the partners in respect of money and other issues.



7. Be that as it may, it is relevant at this stage to discuss the law relating to maintainability of this appeal. It is appropriate to refer Section 18 of the Act, which reads as under:

"18. Procedure and powers of Special Court regarding offences.- (1) *The Special Court may take cognizance of the offence without the accused being committed to it for trial and in trying the accused person, shall follow the procedure specified in the Code of Criminal Procedure, 1973 (Central Act II of 1974) for the trial of warrant cases by Magistrates.*

(2) The provisions of the Code of Criminal Procedure, 1973 (Central Act II of 1974) except the provisions of section 438 shall, so far as may be, apply to the proceedings before a Special Court and for the purpose of the said provisions, Special Court shall be deemed to be a Court of Judicial Magistrate, First class or Metropolitan Magistrate as the case may be."

8. On going through the Sub-Section 2 of Section 18 of the Act, which is obvious that, the Special Court is having no jurisdiction to entertain anticipatory bail, since the said court is considered as JMFC for the purpose of taking cognizance of the offences.

9. On going through the averments of the said complaint and also the facts and circumstances of the case, I



am of the considered opinion that the appellant has made out a case to grant bail. Hence, I proceed to pass the following:

ORDER

- i) The appeal is ***allowed***.
- ii) The order dated 01.12.2025 passed by the Principal District and Sessions Judge, Davanagere is hereby set aside.
- iii) The appellant is ordered to be enlarged on bail in the event of his arrest on receiving the bond of Rs.5,00,000/- (Rupees Five Lakhs Only) with two sureties to the satisfaction of the Trial Court.
- iv) The appellant shall co-operate with investigation as and when it is required.
- v) The appellant shall not tamper the prosecution witnesses nor hamper the proceedings of the Court.
- vi) The appellant shall appear before Investigating Officer within a period of one month from today and also execute a personal bond and furnish surety.

**Sd/-
(S RACHAIAH)
JUDGE**

NR
List No.: 1 Sl No.: 59