HC-KAR

NC: 2026:KHC:65102
CRL.P No. 16604 of 2026

CNR: KAHC010739732026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 16604 OF 2026

BETWEEN:

1. MAMATHA J
   D/O LATE JAYARAM G
   AGED ABOUT 38 YEARS
   SECOND DIVISION ASSISTANT
   (SDA HIGH COURT OF KARNATAKA
   BENGALURU - 560 001
   RESIDING AT NO.1047
   14TH MAIN ROAD
   RAGAVENDRA BLOCK
   SRINAGARA, BANASHANKARI POST
   BENGALURU - 560 050.

...PETITIONER

(BY SRI JEEVAN K, ADV.)

AND:

1. THE STATE BY KEMPEGOWDA
   NAGAR POLICE, BENGALURU DISTRICT
   BENGALURU - 560 019
   REPRESENTED BY THE HIGH COURT
   GOVT PLEADER, HIGH COURT OF KARNATAKA
   BENGALURU - 560 001.

...RESPONDENT

(BY SRI JAGADEESH B.N, SPP A/W
SRI CHANNAPPA ERAPPA, HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P FILED U/S.438 (FILED U/S.482 BNSS) CR.P.C PRAYING TO ORDER TO RELEASE THE PETITIONER ON BAIL IN EVENT OF HER ARREST BY THE RESPONDENT POLICE i.e., KEMPEGOWDA NAGAR POLICE IN CRIME NO.114/2026 FOR THE ALLEGED OFFENCE P/US/ 318(4),351(2) OF BNS 2023 ON THE FILE OF XXXVII ADDL CJM BENGALURU.

CNR: KAHC010739732026

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. This petition under Section 482 of BNSS, 2023, is filed with a prayer to grant anticipatory bail to the petitioner in Crime No.114/2026 registered by Kempegowda Nagar Police Station, Bengaluru, for the offences punishable under Sections 318(4) and 351(2) of BNS, 2023.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.114/2026 was registered by Kempegowda Nagar Police Station, Bengaluru, for the aforesaid offences against petitioner herein, based on the first information dated 11.09.2026 received from Puneeth D. B., S/o Bettaswamy, who is one of the victims in the present case. Apprehending arrest in the case, petitioner had approached the jurisdictional Sessions Court in Crl.Misc.No.10208/2026, which was rejected on 22.10.2026. Therefore, she is before this Court.

4. Learned counsel for the petitioner, having reiterated the grounds urged in the petition, submits that petitioner is working as SDA in this High Court. Petitioner was a subscriber for the chit conducted by first informant and amount transferred from the account of the first informant to the account of the petitioner was towards repayment of the chit amount. For extraneous reasons, a false complaint has been filed against the petitioner. He submits that maximum punishment for the alleged offences is imprisonment for a period of seven years and considering the nature of allegations, custodial interrogation is not necessary. He submits that considering the nature of allegations found against the petitioner and the fact that she is a lady, her prayer for grant of anticipatory bail may be allowed. He further submits that petitioner is ready and willing to co-operate with the police for the purpose of investigation.

5. Per contra, learned SPP, who has produced certain documents, has seriously opposed the prayer made in the petition. He submits that petitioner is a repeat offender and she was earlier arrested and granted regular bail by this Court in a

case registered against her with similar allegations. In the said case, she has now been charge sheeted. Considering the nature of allegations found against the petitioner, who has not only committed the alleged offences but also misused the name of this Institution, her prayer for grant of anticipatory bail needs to be rejected.

6. In the typed first information dated 11.09.2026 submitted by Puneeth D. B., he has stated that he is into textile business and in the month of January, 2025, petitioner, who came to his shop for purchasing clothes got acquainted to him. She represented to him that she is working as Personal Assistant in the Office of the Chief Justice of High Court of Karnataka. Subsequently, she had informed the first informant that after the Chief Justice had retired, she was working in the chambers of a puisne Judge as Personal Assistant. She had represented to the first informant that she was in a position to get appointment to the first informant and his relatives in the High Court and accordingly, had collected totally a sum of Rs.46,71,850/- from the first informant, his relatives and friends.

7. A reading of the first information would indicate that major portion of the aforesaid amount was transferred to the bank account of the petitioner from the bank account of the victims. Petitioner, who has raised a contention before this Court that amounts received from the bank account of the first informant was towards the chit money he was due to pay her, has failed to explain the amount received by her from the bank account of other victims in the present case, whose names are found in the first information.

8. Material on record would go to show that in the year 2021, a similar complaint was filed in Hanumantha Nagar Police Station, Bengaluru, against petitioner and another by one Mahendra R. and FIR was registered for the offences punishable under Sections 406, 420 read with Section 34 of IPC in Crime No.256/2021. In the said case, petitioner was arrested and subsequently, granted regular bail by this Court in Crl.P.No.2182/2022 on 08.04.2022. Allegation in the said case is about collecting totally a sum of Rs.47,00,000/- from the victim for the purpose of getting a site allotted to him. Even in

the said case, name of this Institution and some of the Judges were misused by the petitioner. In the present case, similar modus operandi has been used by the petitioner and huge money of Rs.46,71,850/- received by her through bank transactions remains unexplained.

9. The punishment provided for the alleged offences and requirement of custodial interrogation are not the only parameters to be considered by a Court in a petition filed seeking anticipatory bail. The gravity of allegations and the impact of the same on the Society also needs to be taken into consideration by the Courts.

10. The Hon'ble Supreme Court in the case of ***State vs. Anil Sharma - (1997) 7 SCC 187***, in paragraph No.6 has observed as follows:-

> *"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of*

tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

11. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep vs. Arun Kumar C. K. and Another - (2022) 17 SCC 391***, in paragraph No.12 has observed as follows:-

"12. ... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if

no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."

12. Petitioner, who was granted regular bail in the earlier case registered against her is found involved in a similar case registered with similar allegations and the records would reveal that she has misused the name of the Institution for the

purpose of cheating the public and making unlawful gain. Learned SPP has produced certain documents, which would clearly go to show that several WhatsApp messages were exchanged between the parties and in the messages forwarded by the petitioner, she has mentioned about getting appointments to the victims in the present case. Under the circumstances, a *prima facie* case is found against the petitioner for the alleged offences. Therefore, I am of the opinion that her prayer for anticipatory bail cannot be entertained. Accordingly, the petition is ***dismissed***.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

DN
List No.: 1 Sl No.: 74