HC-KAR

NC: 2026:KHC:21400
CRL.P No. 15961 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

CRIMINAL PETITION NO. 15961 OF 2025

BETWEEN:

B. CHALAPATHI
S/O. BYCHAPPA,
AGED ABOUT 42 YEARS
NO.205, FLAT NO.B-103
2ND FLOOR, B BLOCK
DS MAX SUPREME
KODIPALYA CROSS
UTTHARA HALLY MAIN ROAD
KENGERI, BANGALORE SOUTH
BANGALORE - 560 060.

...PETITIONER

(BY SRI H.R.NARAYAN SWAMY, ADVOCATE)

AND:

STATE BY DEVARAJA P.S. (MYSORE)
REPRESENTED BY S.P.P.
HIGH COURT-COMPLEX,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI R. RANGASWAMY, HCGP)

Digitally signed by B LAVANYA
Location: HIGH COURT OF KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER 482 OF B.N.S.S. PRAYING TO ENLARGE HIM ON ANTICIPATORY BAIL AND DIRECT THE RESPONDENT-POLICE, IN THE EVENT OF HIS ARREST IN CRIME NO.113/2024 OF DEVARAJA POLICE HE MAY BE RELEASED ON BAIL, PENDING ON THE FILE OF IV JMFC AT MYSURU.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for petitioner and learned High Court Government Pleader for respondent-State.

2. This petition is filed by the petitioner seeking anticipatory bail under Section 438 of Cr.P.C.

3. It the case of the petitioner-accused that a complaint was lodged on 21.12.2024 by the complainant, namely, Shri Krishna Bhargava, stating that he is a professional photographer engaged in wedding photography and outdoor photography. He stated that on 18.12.2024, he received a call on his mobile phone from one Ganesh, requesting him to conduct a pre-wedding shoot on 21.12.2024. Thereafter, he contacted one Vijay and booked him for videography. It is further stated that on 19.12.2024, a sum of ₹2,000/- was paid from the mobile number of Rakesh towards the advance amount. It is further stated that on 20.12.2024, the said Ganesh again called and informed him to visit the place on 21.12.2024 at 1:00 p.m. Therefore, on 21.12.2024, he came to Mysuru with a camera

and the said Vijay also brought a camera. When he called Ganesh, Ganesh asked them to come near Hotel Siddartha. Thereafter, as per his instructions, a cab driver took them to Hotel Lay-In and accommodated them in Room No.303. Thereafter, while he was in the room, at about 1:30 p.m. the said Ganesh again called them, asked them to go for lunch and further instructed them to hand over the cameras to his person for checking.

3.1 Accordingly, when he handed over the cameras to a boy sent by the said Ganesh and after returning, he was unable to connect the call and the person who had taken the cameras did not return. The value of the cameras taken by the said person was stated to be around ₹8,00,000/-.

3.2 Based on the said complaint, an FIR came to be registered. Thereafter, investigation was conducted on the basis of the said Police complaint for the aforesaid offences punishable under Sections 318(4) and 238(c) of the Bharatiya Nyaya Sanhita (for short, 'BNS').

4. It is the vehement contention of the learned counsel for petitioner that the petitioner is innocent of the charges levelled against him and that certain persons, being inimically disposed towards him, have foisted a false case against him. It is also contended by the learned counsel for petitioner that the petitioner does not know the complainant and neither is he named in the complaint nor in the FIR.

4.1 It is further contended by the learned counsel for petitioner that the petitioner had travelled to Sri Lanka in connection with his work. Upon his return to India, he was brought to the respondent-Police station without any prior information, knowledge or notice regarding the complaint. An enquiry was thereafter conducted. It is further contended by the learned counsel for petitioner that he was repeatedly called to the Police station, where he diligently appeared, rendered assistance and co-operated with the investigation. His statement was recorded and thereafter, he was let off.

4.2 It is further contended by the learned counsel for petitioner that the name of the petitioner is not shown in the FIR. Likewise, the complaint does not contain any allegation

disclosing the offences made out against the petitioner. Apprehending his arrest, the petitioner filed a criminal petition in Crl.Misc.No.936/2025 before II Additional District and Sessions Judge at Mysuru, which came to be rejected. Hence, the petitioner is before this Court.

4.3 Learned counsel for petitioner further contended that as the petitioner has not committed any offence, a false case has been registered against him and he is sought to be implicated by the respondent without any rhyme or reason. It is further contended by the learned counsel for petitioner that the offences registered in the FIR, wherein the name of the petitioner is not found, are not punishable with imprisonment for life or death. It is further contended by the learned counsel for petitioner that the respondent is unnecessarily making out a case and summoning the petitioner only with an intention to harass him and cause hardship. Despite the petitioner having made out a case for grant of anticipatory bail before the trial Court, the same came to be rejected by the Sessions Court.

4.4 Learned counsel for petitioner contends that the petitioner has deep roots in the Society and he would not

abscond from the jurisdiction of the Court. It is further contended by the learned counsel for petitioner that he will abide by any condition that may be imposed by this Court. Learned counsel for petitioner submits that the petitioner has an aged mother and if he is arrested for offences as alleged in the FIR, in which he is not even named, he would be put to severe hardship. On these grounds, he seeks the petitioner be enlarged on bail.

5. *Per contra*, learned High Court Government Pleader for respondent-State contends that *prima facie* materials have been produced against the petitioner herein. Though the petitioner was initially not named in the complaint or in the FIR, it is contended that the offences were committed at his instance. It is further contended that though the petitioner not have been named, he is the person behind the offences alleged in the complaint.

5.1 It is further contended by learned High Court Government Pleader for respondent-State that the petitioner is involved in criminal antecedents and that two cases have

already been registered against him for similar offences, namely:

1. Crime No.14/2020 of Gorur Police Station, for the offences punishable under Sections 394, 395 and 397 of the IPC; and
2. Crime No.130/2017, for the offences punishable under Sections 364A and 506 of the IPC.

Therefore, the respondent apprehends that the petitioner is capable of absconding, would not co-operate with the investigation and may flee away from the clutches of the Investigating Agency. On these grounds, learned High Court Government Pleader opposes the grant of bail and sustains the order dated 28.06.2025 passed in Crl.Misc.No.936/2025 by II Additional District and Sessions Judge at Mysuru filed under Section 482 of the B.N.S.S.

5.2 Learned High Court Government Pleader has also pointed out that the charge sheet has already been laid against the petitioner. No other person has been arraigned as an accused and only the petitioner has been named in the charge sheet. It is further contended by learned High Court

Government Pleader that further investigation is required and that the petitioner would be necessary for custodial interrogation for ascertaining the truth of the matter. On these grounds, he seeks rejection of the petition.

6. Having heard learned counsel for petitioner and learned High Court Government Pleader, the point that arises for consideration is that:

> *"i. Whether the petitioner has made out a case for grant of pre-arrest bail?"*

7. It is seen that initially, the name of the petitioner was not included in the complaint or the FIR. However, upon investigation, the Police have laid charge sheet against the petitioner alone and no other person has been arraigned as an accused, for the offence punishable under Section 318(4) of BNS. It is further observed that investigation is still in progress and the petitioner will have to participate in the investigation.

8. It is seen that the charge sheet filed against the petitioner is for the offences punishable under Sections 318(4) and 238(c) of BNS. The said offences are not punishable with imprisonment or death for life. Therefore, having regard to the

gravity of the offences and taking into consideration that the petitioner is resident of Bengaluru as well as his undertaking that he will not abscond or flee away from the jurisdiction of the State and will co-operate with the investigation as and when required by the Investigating Authorities for interrogation or custodial interrogation.

9. Under the circumstance, this petition deserves to be allowed by imposing certain stringent conditions. Accordingly, I pass the following:

ORDER

i. This petition is ***allowed***;

ii. The petitioner shall be enlarged on bail in the event of his arrest in Crime No.113/2024 registered by Devaraja Police Station, subject to following conditions:

   a) The petitioner shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with one surety for the likesum, to the satisfaction of the Investigating Officer;

   b) The petitioner shall not hamper and tamper with the prosecution witness and he shall co-operate

with the Police and appear before them whenever called upon;

c) The petitioner shall not leave the jurisdiction of the State without prior permission of the Court;

d) The petitioner shall not involve himself in any similar offences during the period of bail;

e) In the event of any violation of the terms and conditions of bail, the respondent-State is at liberty to move for cancellation of bail.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 3