



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO.16195 OF 2025 (438(Cr.PC)/
482(BNSS))

BETWEEN:

SRI. ARUN KUMAR G N
S/O G V NAGARAJA,
AGED ABOUT 37 YEARS,
WORKING AS ASSISTANT STORE KEEPER,
BESCOM, HARIHARA, DAVANAGERE,
R/AT SRI VENKATESHWARA NILAYA,
2ND MAIN ROAD, 7TH CROSS,
VIJAYANAGARA LAYOUT,
HARIHARANAGARA.



...PETITIONER

(BY SRI. MURTHY D.NAYAK, SENIOR COUNSEL FOR
SRI. AKASH V.T., ADV.)

AND:

THE STATE OF KARNATAKA
REPRESENTED BY
HARIHARA TOWN POLICE STATION,



DAVANAGERE RURAL SUB,
DAVANAGERE -
REPRESENTED BY SPP,
HIGH COURT BUILDING
BENGALURU - 560 001

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNSS) PRAYING TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST BY HARIHARA TOWN P.S. DAVANAGERE RURAL SUB, DAVANAGERE IN CR.NO.175/2025 FOR THE OFFENCE P/U/S 316(2),316(4),316(5),318(4) R/W SEC.3 (5) OF BNS ACT 2023 ON THE FILE OF ADDL.CIVIL JUDGE (JR.DN) AND J.M.F.C COURT HARIHARA AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL ORDER

This petition is filed by the sole accused under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023') praying to grant anticipatory bail in Crime No.175/2025 of Harihara Town Police Station registered for the offences punishable under Sections 316(2), 316(4), 316(5), 318(4) read with Section 3(5) of BNS, 2023.

2. Heard learned Senior Counsel for petitioner and learned High Court Government Pleader for respondent/State.

3. Learned Senior Counsel for the petitioner would contend that there are contradictory allegations in the averments of the complaint with regard to the total extent of loss. The petitioner is working as Assistant Store Keeper in BESCO, Harihara. There is no mention of Store Keeper in the complaint and Store Keeper has not been arrayed as accused. The petitioner is handicapped person



and he was admitted in the Hospital between 18.05.2024 to 31.05.2024 and during that period, in his absence, internal audit has been done. The petitioner is innocent and ready to co-operate with the Investigation Officer in investigation and abide by any of the conditions imposed by this Court. The petitioner is not having any criminal antecedents. The offences alleged against the petitioner are not punishable either with death or imprisonment for life. With this, he prayed to allow the petition.

4. Per contra, learned HCGP would contend that the petitioner is absconding and there is loss of more than Rs.03 crores and it is public money. The petitioner is required for custodial interrogation. With this, he prayed for rejection of the petition.

5. Having heard the learned Senior counsel and learned HCGP for the parties, the Court has perused the FIR, complaint and other materials placed on record.



6. The petitioner is working as Assistant Store Keeper in BESCOM. During internal audit, it is found that there is a shortage of oil to the extent of 89,270 litres, which is worth Rs.56,67,864/- and shortage of materials worth Rs.3,00,35,168.05. The petitioner was working as Assistant Store Keeper and he is handicapped person. The petitioner has undertaken to cooperate with the Investigation Officer in the investigation and abide by any of the conditions imposed by this Court. The offences alleged against the petitioner are not punishable either with death or imprisonment for life and the petitioner is not having any criminal antecedents.

7. Considering the above aspects, the petitioner has made out a case for grant of anticipatory bail with conditions. In the result, the following:

ORDER

The criminal petition is ***allowed***. The petitioner is ordered to be released on bail in the event of his arrest in Crime No.175/2025 of Harihara Town Police Station



registered for the offences punishable under Sections 316(2), 316(4), 316(5), 318(4) read with Section 3(5) of BNS, 2023, subject to following conditions:

- (i) The petitioner shall voluntarily appear before the Investigating Officer within ten days from this day and execute a bail bond for Rs.1,00,000/- with one surety for the like sum to the satisfaction of the Investigating Officer.
- (ii) The petitioner shall co-operate with the Investigating Officer in the investigation.
- (iii) The petitioner shall not threaten the complainant and another prosecution witnesses either directly or indirectly
- (iv) The petitioner shall appear before the Investigation Officer on first and third Sundays of every month for a period of two months or till filing of final report whichever is earlier.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE