



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR**

**CRIMINAL PETITION No. 961 OF 2026 (439(Cr.PC) /  
483(BNSS))**

**BETWEEN:**

1. SRI D A SRINIVAS  
S/O LATE D. K. ADIKESHAVALU  
AGED ABOUT 52 YEARS  
R/AT. No. 6, CV RAMAN ROAD  
SADASHIVANAGARA  
BENGALURU-560 080.

...PETITIONER

(BY SRI S NAGAMUTHU, SENIOR ADVCOATE A/W  
SRI SANDESH J CHOUTA, SENIOR ADVOCATE A/W  
MS.SANYA MALLI, ADVOCATE)

**AND:**

1. CENTRAL BUREAU OF INVESTIGATION  
THROUGH INVESTIGATION OFFICER  
ADDL. SUPDT. OF POLICE  
CBI, SCB, CHENNAI  
REP. BY SPL. PUBLIC PROSECUTOR  
M S BUILDING  
BANGALORE - 560 001.

...RESPONDENT

(BY SRI PRASANNA KUMAR P, ADVOCATE  
SRI HASHMATH PASHA, SENIOR ADVOCATE)

THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED  
UNDER SECTION 483 BNNS) PRAYING TO ENLARGE THE  
PETITIONER/ACCUSED No.9 ON REGULAR BAIL IN





CR.No.RC.07(S)/2022/CBI/SCB/CHENNAI FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 120-B READ WITH SECTIONS 465, 467, 468, 471, 255, 256, 257, 258, 259 AND 260 OF THE IPC REGISTERED BY THE CBI/SCB/CHENNAI.

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 petitioner -accused No.9 under Section 439 of Cr.P.C., praying to grant bail in Crime No.RC07(S)/2022/CBI/SCB/Chennai registered for the offences punishable under Sections 120B read with Sections 465, 467, 468, 471, 255, 256, 257, 258, 259 and 260 of IPC.

2. Heard Sri. Nagamuthu, learned Senior Counsel for the petitioner, learned Special Public Prosecutor for the respondent - CBI and learned Senior Counsel appearing for de-facto complainant.

3. Learned Senior Counsel for the petitioner would contend that earlier there were two complaints registered against the petitioner in Crime Nos.148/2020 and



89/2020. In both crimes, the matter has been investigated by Special Investigation Team. In Crime Nos.89/2020 and 148/2020, the 'B' report has been filed. The charge sheet has not been filed against the petitioner. The petitioner earlier had been granted anticipatory bail in both Crime Nos.148/2020 and 89/2020. There is no allegation against this petitioner of violating any of the conditions imposed while granting anticipatory bail in both cases. Subsequently, PCR No.51691/2020 has been filed, the learned Magistrate has taken cognizance and ordered investigation under Section 202 of Cr.P.C. The said investigation is referred to police under Section 202(1) and police filed 'B' report. Thereafter, W.P.No.7784/2022 has been filed seeking transfer of investigation. Pursuant to the order dated 28.04.2021 passed in W.P.No.4333/2021, the investigation of all the three crimes came to be transferred to Special Investigation Team headed by the Officer of the rank of Deputy Commissioner of Police. After detailed investigation, the



Special Investigation Team has filed 'B' closure report in Crime Nos.89/2020 and 148/2020, contended that no prosecutable material was available to proceed further in the matter against the petitioner and his other companion accused. The Special Investigation Team conducted the investigation in Crime No.7/2021 and submitted detailed charge sheet against 08 accused persons on 03.01.2022 before jurisdictional Magistrate. The Court took cognizance and registered case in C.C.No.544/2022 and committed the matter to the Sessions Court, now pending in S.C.No.1522/2022 and presently the said case is transferred back to jurisdictional Magistrate and it is pending consideration. The petitioner's statement was also recorded by the Special Investigation Team during investigation and he completely cooperated for the investigation of the said crime.

4. The learned Senior Counsel further submits that the subsequent direction issued by the Hon'ble Court dated 03.09.2022 in W.P.7784/2022, further investigation



was entrusted to the respondent - CBI, pursuant to which the present case i.e., Crime No.7/2021 came to be re-registered as RC 7(S)/2022 for offences under Sections 255, 256, 257, 258, 259, 260 and 420 of I.P.C., against unknown persons. The petitioner and others filed SLP Nos.10449/2022 and 10515/2022 before the Hon'ble Supreme Court of India challenging the order dated 03.09.2022 passed by this Court in W.P.No.7784/2022. The Hon'ble Apex Court has stayed the investigation of the case vide order dated 14.11.2022 and thereafter, was pleased to dismiss both the SLP's on 23.04.2025 while directing the respondent - CBI to conclude the investigation within eight months from the date of receipt of the order. Now the said eight months time is over. The petitioner came to be arrested on 22.12.2025 two days prior to completing of the said 08 months. The petitioner has furnished all the documents available with him with his letters dated 30.07.2025, 03.09.2025, 24.09.2025 and the said documents have been seized under seizure memo



under which 15 documents have been seized and they have been handed over by the petitioner. The petitioner is not involved in counterfeiting of stamp paper as he has purchased the stamp paper through his employee and he not knows who forged the stamp paper. In the earlier investigation it has not revealed the conspiracy of this petitioner with other accused who have been chargesheeted. The petitioner who has been granted earlier anticipatory bail in two crimes has not violated any of the conditions.

5. Learned Senior Counsel further submits that time to investigate the matter has been over. As the investigation is completed therefore, the petitioner is not required for custody interrogation. The petitioner has been taken to police custody for 08 days between 22.12.2025 and 29.12.2025 so there is no recovery from the petitioner. The petitioner has co-operated for investigation. The other 05 accused who have been charge sheeted, who are stamp vendor, machine operator, from



whom stamp paper has been recovered, seal of Sub - Register was found with the person have been granted bail. The petitioner who is alleged of conspiracy with the said accused persons is similarly placed to that of those accused persons and therefore, he is entitled for grant of bail on the ground of parity. There is no any allegation of absconding of the petitioner. The petitioner has co-operated with the CBI investigating officers in the investigation. All the documents which are required for investigation are available with the CBI and the Special Investigation Team. The Special Investigation Team has stated that petitioner has no role and the present respondent -CBI has stated that the petitioner has role in conspiracy in counterfeiting of the stamp papers etc. There are conflicting opinions by two agencies therefore, the petitioner is entitled for grant of bail on that ground. The petitioner is ready to surrender his passport and go out of Karnataka till investigation is over and final report is filed. Learned Senior Counsel would contend that bail is rule and



jail is an exception. The offences alleged against the petitioner are not punishable either with death or imprisonment for life. Even though for offence punishable under Section 467 of IPC punishment of imprisonment for life is prescribed, but that provision itself provides that sentence of imprisonment may extend upto 10 years which indicate that there is no minimum sentence prescribed for the said offence. On the points raised, the learned Senior Counsel has placed reliance on the following decisions:

- 1) National Bank of Oman Vs Barakara Abduk Aziz and Another<sup>1</sup>
- 2) Ramdev Food Products Private Ltd., Vs State of Gujanat<sup>2</sup>
- 3) Sri Srinivas Dalavoi Vs Union of Indian and Another<sup>3</sup>
- 4) Binay Kumar Singh and Anr Vs State of Jharkhand and Ors<sup>4</sup>
- 5) Smt. M.Manjula and Another Vs State of Karnataka and others<sup>5</sup>

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<sup>1</sup> Reported in (2013) 2 SCC 488

<sup>2</sup> Reported in (2015) 6 SCC 439

<sup>3</sup> In W.P.No.26737/2024(GM-RES)

<sup>4</sup> Writ Petition (Criminal) No.55/2026

<sup>5</sup> In Writ Petition No.7784/2022 (GM-RES)



- 6) Vaman Narain Ghiya Vs State of Rajasthan<sup>6</sup>
- 7) Sanjay Chandra Vs. CBI<sup>7</sup>
- 8) State of Rajasthan V Balchan<sup>8</sup>
- 9) P. Chidambaram Vs Directorate of enforcement<sup>9</sup>
- 10) Prahlad Singh Bhati Vs NCT, Delhi<sup>10</sup>
- 11) Gudikanti Narasimhulu Vs Public Prosecutor<sup>11</sup>
- 12) Satender Kumar Antil Vs CBI<sup>12</sup>
- 13) Gulfishma Fatima Vs State (NCTI of Delhi)<sup>13</sup>
- 14) Kapil Wadhawan Vs CBI<sup>14</sup>

With these, he prays to allow the petition.

6. Learned Special PP for the respondent –CBI would contend that in the year 2005 till 2011 a total extent of 54 acres of land has been registered under sale deed in the name of Raghunath and part of sale consideration has been paid by the father of the petitioner. The said Raghunath had executed Will dated 28.01.2016 in favour of his wife and it is genuine document. The sale

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<sup>6</sup> Reported in (2009) 2 SCC 281

<sup>7</sup> Reported in (2012) 1 SCC 40

<sup>8</sup> Reported in (1977) 4 SCC 308

<sup>9</sup> Reported in (2020) 13 SCC 791

<sup>10</sup> Reported in (2001) 4 SCC 280

<sup>11</sup> Reported in (1978) 1 SCC 240

<sup>12</sup> Reported in (2022) 10 SCC 51

<sup>13</sup> Reported in 2026 SCC OnLine SC 10

<sup>14</sup> Reported in 2025 SCC OnLine SC 3038



agreements said to have been executed by Raghunath have been produced in O.S.No.246/2020. The Senior Sub-Registrar, Gandhinagar, gave complaint to the Halasurgate Police Station with regard to fake franking of stamp paper and it is registered in Crime No.7/2021. Subsequently, it is now presently registered in RC No.7(S)/2022. Earlier there were two cases registered one in Crime No.89/2020 of HAL Police Station with regard to the unnatural death of Raghunath and Crime No.148/2020 of Halasurgate Police Station with regard to forged Will of Raghunath. Crime No.7/2021 has been registered with regard to fake franking papers used for sale agreements etc,. The Special Investigation Team has been constituted headed by the DCP as per order passed by this Court in W.P.No.4333/2021. The said Special Investigation Team has investigated the matter, obtained FSL report and filed 'B' report in respect of Crime No.148/2020 and filed charge sheet in Crime No.7/2020 against accused Nos.1 to 8. The petitioner is the beneficiary of all the transactions.



W.P.No.778/2022 has been filed for referring the investigation to CBI and it came to be allowed and in the order it is mentioned that the CBI shall not be influenced by investigation done by State agencies. Crime No.89/2020 has now been registered as RC 5(S)/2020 and Crime No.148/2020 has now been registered with CBI in RC 6(S)/2022. The petitioner has got anticipatory bail in RC 5 and 6 of 2022. The present case pertains to RC 7(S)/2022. Will dated 20.04.2018 has been prepared on the document sheet on which date mentioned is 23.10.2019 i.e., after death of Raghunath on 04.05.2019. The seizure mahazar dated 22.10.2020, under which specimens admitted signature of deceased have been collected from the hospital have been suppressed by Special Investigation Team officials and it has been replaced by mahazar dated 18.12.2022 under which the admitted signature of Raghunath has been forged to tally with the signature on the Will and it has been sent to FSL. The FSL on examination has held that both signatures



have been made by one and the same person. The said mahazar dated 18.12.2022 has been prepared in the PC of sister of the petitioner. The CBI has now collected the said mahazar dated 22.10.2020 and the documents seized under it and has sent them along with the Will to CFSL, Hyderabad. Wherein the signature on the Will is found to be forged and stamp papers used are back dated. The allegations in earlier crimes i.e., Crime Nos.89/2020 and 148/2020 are not same as that of present Crime No.7/2021. The said Crime No.7/2021 which is now under investigation under RC 7(S)/2022 by the CBI. The scope of investigation in RC 7(S)/2022 is different than earlier two crimes i.e., Crime Nos.89/2020 and 148/2020. Blank stamp papers similar to that of used for Will and agreements have been recovered from the possession of the petitioner. The allegation against the petitioner is grave. The petitioner is an influential person and there are chances of him influencing the persons involved in the investigation and witnesses as he did it earlier by



suppressing the mahazar with the help of ACP. The Hon'ble Apex Court has granted 08 months time for investigation by the CBI. Now the said 08 months time has been expired during December -2025. The CBI has sought for extension of time. The petitioner is having criminal antecedents involved in NDPS and murder case. The petitioner has sent threatening messages to the wife and son of Raghunath. The offences alleged against the petitioner namely Sections 255 and 467 of IPC are provided with sentence of imprisonment for life. The investigation is at final stage. If the petitioner is granted bail, there are chances of him hampering the further investigation and tampering the prosecution witnesses. With these, he prays to reject the petition.

7. Learned Senior Counsel appearing for defacto complainant would contend that the Crime No.7/2021 of Halasurgate Police Station has been registered based on the complaint filed by the Senior Sub -Registrar. The wife of the deceased -Raghunath had filed complaint to the



Senior Sub -Registrar and based on that the Senior Sub - Registrar had filed complaint registered in Crime No.7/2021. The offence alleged against the petitioner is an economic offence using counterfeit of stamp papers by using franking machine. After death of Raghunath on 04.05.2019, Will has been created by the petitioner by back-dating on counterfeit stamp paper and other documents which are of the date backed to 10 years. The petitioner and his family are powerful and there are chances of him influencing the State machinery and the State machinery works for him. The Special Investigation Team in the charge sheet filed in Crime No.07/2021 has dropped the name of this petitioner and his sister. The wife of Raghunath, namely Manjula has filed protest petition for further investigation under Section 173(8) of Cr.P.C. Without considering the same, the Magistrate has committed the case to the Sessions Court. Even the Raghunath, who is dead has been made as accused No.8 in the charge filed by the Special Investigation Team in



Crime No.7/2021. The order passed by this Court in the writ petition directing CBI investigation has been challenged by the petitioner before the Hon'ble Apex Court. The Hon'ble Apex Court has disposed of the said petition. In the said SLP directed the CBI to complete the investigation within 08 months. The charge sheet filed against accused Nos.1 to 5 in Crime No.07/2021 by the Special Investigation Team does not pertain to the stamp papers used for Will and other documents under which the petitioner is beneficiary. Section 255 of IPC attracts to the person who will secure counterfeit stamp papers. Accused Nos.1 to 5 in Crime No.7/2021 have been granted bail after 3.5 years of their judicial custody on the reason that the investigation had been stayed by the Hon'ble Apex Court. The petitioner has won over State machinery and the witnesses. The petitioner is involved in seven cases including offences under NDPS Act, bomb blast at Chittur. In his election nomination, he has mentioned that he is involved in Crime No.145/2007. The CBI is investigating



regarding counterfeit stamp papers on which documents are created under which petitioner is beneficiary. The earlier conduct of the petitioner indicates that he is a influential person and there are chances of he tampering prosecution witnesses and hampering investigation. Merely time granted by the Hon'ble Apex Court for investigation is over is not a ground for grant of bail to the petitioner.

8. In reply, learned Senior Counsel for the petitioner would submit that multiple FIR's and crimes have been registered against the petitioner with the same set of facts i.e., counterfeit stamp papers, creating Will and other documents, forging the signature of the deceased –Raghunath and that is not permissible. Now all the documents are with the CBI and the State agencies. The documents with the State agencies i.e., Special Investigation Team have been collected by the CBI. The sister of the petitioner who has been arrested in RC 6(S)/2022 on 22.12.2025 on the same ground that she has conspired with the petitioner to create Will has been



granted bail by the Magistrate. But the petitioner has been arrested in different crime i.e., RC 7(S)/2022 merely, because he has been granted anticipatory bail in RC 6(S)/2022. The time granted by the Hon'ble Apex Court for investigation i.e., 8 months has been expired in December - 2025. The CBI has not sought extension of time and if CBI had sought extension of time there ought to have been dairy number mentioned in the case status. The petitioner has been acquitted in bomb blast case and NDPS case registered against him has been quashed in W.P.No.26737/2024 by order dated 23.06.2025 by Coordinate Branch of this Court.

9. Having heard learned counsels for parties, the Court has perused the materials placed on record.

10. FIR in Crime No. 7/2021 came to be registered by the Halasurgate Police Station for offences punishable under Sections 420, 255, 257, 259, 256, 258, 260 of IPC against certain unknown persons on 04.01.2021 upon a



complaint lodged by Sri Krishna Naik, Sub-Registrar, Gandhinagar alleging that he came to know through a newspaper report dated 14.12.2020 published in Prajavani, that forged documents were prepared using Franking Machine PB No.6924 which belongs to his office and 08 documents of Yelahanka Sub-Registrar Office, 09 documents of Shivajinagar Sub-Registrar Office and 05 documents of Kengeri Sub-Registrar Office while using forged seal and signature of his office officials.

11. Smt. M Manjula and Sri Rohith who are the de-facto complainants in Crime No.89/2020 and Crime No.148/2020 respectively had approached this Hon'ble Court in W.P.No.4333/2021 seeking direction to refer the investigation of Crime No.7/2021 along with other two FIR's i.e., Crime No.89/2020 and Crime No.148/2020 by CBI or Special Investigation Team headed by an officer of the rank of an IGP. This Court vide order dated 28.04.2021 directed the State to assign the investigation of all three FIR's to Special Investigation Team headed by



an Officer of the rank of Deputy Commissioner of Police who had not earlier dealt with those cases or held supervisory jurisdiction over those police stations.

12. Pursuant to order dated 28/04/2021 of this Hon'ble Court in W.P.No.4333/2021, the investigation of all the three crimes came to be transferred to Special Investigation Team headed by an officer of the rank of Deputy Commissioner of Police. After a detailed investigation, the Special Investigation Team filed 'B' closure report in Crime No.148/2020, Crime No.89/2020 categorically opining that no prosecutable material was available to proceed further in the matter against the petitioner and his other companion accused.

13. The Special Investigation Team conducted investigation in Crime No.7/2021 and submitted a detailed chargesheet against 8 accused persons including the 3 deceased (accused Nos.6 to 8) on 03.01.2022 before the jurisdictional Magistrate and the jurisdictional Magistrate



has taken cognizance of the offence in C.C.No.544/2022 and committed the matter to the Court of Hon'ble LX Addl. City Civil and Sessions Judge, Bengaluru (CCH-61) and the same came to be registered as S.C.No.1522/2022 and presently the case is transferred back to the jurisdictional Magistrate and is pending consideration. The petitioner's statement was also recorded by the Special Investigation Team during investigation.

14. Thereafter, upon a subsequent direction issued by this Court vide order dated 03.09.2022 in W.P.No.7784/2022 further investigation was entrusted to the respondent-CBI, pursuant to which the present case (Crime No. 7/2021) came to be re-registered as RC 07(S)/2022 under Sections 255, 256, 257, 258, 259, 260 and 420 of IPC against unknown persons.

15. The petitioner among others had preferred two SLP's bearing No.10449/2022 and 10515/2022 before the Hon'ble Supreme Court of India challenging the order



dated 03.09.2022 passed by this Hon'ble Court in W.P.No.7784/2022. The Hon'ble Apex Court had stayed the investigation of the case vide order dated 14.11.2022 and thereafter was pleased to dismiss both the SLP's on 23.04.2025 while directing the respondent-CBI to conclude the investigation within 08 months from the date of receipt of the order.

16. Based on the investigation conducted so far, it is alleged that the petitioner was associated with certain documents including a Will, relating to properties standing in the name of late Shri K. Raghunath, which were later produced before the Principal Senior Civil Judge, Bangalore Rural, in O.S.No.246/2020. The respondent-CBI claims that several of these documents, purportedly executed during the lifetime of Shri Raghunath, contain disputed signatures and that a number of such documents also bear the signatures of the petitioner, who is stated to be a beneficiary. It is further alleged that some documents may have been prepared or printed after the death of Shri



Raghunath and were shown as having been executed earlier, during his lifetime and that certain franking impressions and official seals appearing on the documents are not genuine. On this basis, the investigation suggests that the documents were used in civil proceedings to assert property-related claims, and that the petitioner, along with other accused persons, is alleged to have played a role in their creation and user to his advantage.

17. During the course of further investigation by CBI in RC 7(S)/2022, the petitioner was arrayed as accused No.9 and was arrested on 22.12.2025 since then he is in custody.

18. The very same sets of allegations forming the basis of RC 7(S)/2022 were earlier investigated by Special Investigation Team pursuant to the orders of this Hon'ble Court in W.P.No.4333/2021. After detailed investigation, the Special Investigation Team filed 'B' Reports in Crime No.89/2020 and Crime No.148/2020, concluding that the



allegations were false and the dispute was essentially civil in nature. Even in Crime No.7/2021, the Special Investigation Team filed a charge sheet against certain other accused persons and did not array the petitioner as an accused.

19. The petitioner prior to his arrest has produced totally 59 documents under his letters dated 30.07.2025, 03.09.2025 and 24.09.2025 and they have been seized under seizure memo dated 10.07.2025.

20. The petitioner who came to be arrested on 22.12.2025 has been taken to police custody for 07 days and he has been interrogated. There is no recovery at the instance of the petitioner.

21. The entire case of the prosecution rests on documents which are already seized, available on record, and subjected to forensic examination. The petitioner does not hold custody of any document, seal, stamp, or material object. When investigation is document-centric



and no recovery is pending, continued incarceration serves no investigative purpose. The petitioner has already been interrogated earlier by the Special Investigation Team.

22. Even as per the prosecution case, the alleged counterfeiting of government stamps and seals is attributed to some other accused persons who in fact have been already charge-sheeted by the Special Investigation Team. There is no direct allegation that the petitioner has operated the franking machine, forged seals or manufactured stamp papers. The allegation is one of association or alleged usage.

23. During the course of further investigation by the CBI, the petitioner was not immediately arrayed as an accused. He appeared before the CBI-IO as and when summoned and furnished all documents. CBI has already collected documentary, oral, and circumstantial evidence.

24. The petitioner has instituted a civil suit in O.S. No.246/2020 on 13.02.2020 before the Court of the



learned Principal Senior Civil Judge, Bengaluru Rural, seeking declaratory and injunctory reliefs in relation to certain properties which came to be bequeathed in his favour under the Will dated 20.04.2018 against Smt. M. Manjula, Sri Rohith and Sri Prathap, who are the heirs of late Raghunath K. In the said suit, the Civil Court granted an order of injunction in the nature of maintenance of status quo on 28.02.2020. The validity of the Will is itself the subject matter in O.S.No.246/2020 pending before the competent civil court.

25. The Hon'ble Apex Court in the case of ***Dataram Singh Vs State of Uttar Pradesh and Another***<sup>15</sup> has observed as under:

*"1. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and*

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<sup>15</sup> Reported in (2018) 3 SCC 22



*does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society."*

26. The Hon'ble Apex Court in **Sanjay Chandra(Supra)** has held as under:

*"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins*



*after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty."*

27. It is contented that the offence of counterfeit of stamp paper is economic offence and therefore, the petitioner is not entitled for grant of bail. The Hon'ble Apex Court has considered that an accused person to be granted bail if the allegation is commission of economic offence in the case of ***P. Chidambaram(Supra)*** wherein it is held as under:

*"23. Thus, from cumulative perusal of the judgments cited on either side including the one rendered by the Constitution Bench of this Court, it could be deduced that the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial. However, while considering the same the gravity of the offence is an aspect which is required to be kept in view by the Court. The gravity for the said purpose will have to be gathered from the facts and circumstances arising in each case. Keeping in view the consequences that would befall on the society*



*in cases of financial irregularities, it has been held that even economic offences would fall under the category of "grave offence" and in such circumstance while considering the application for bail in such matters, the Court will have to deal with the same, being sensitive to the nature of allegation made against the accused. One of the circumstances to consider the gravity of the offence is also the term of sentence that is prescribed for the offence the accused is alleged to have committed. Such consideration with regard to the gravity of offence is a factor which is in addition to the triple test or the tripod test that would be normally applied. In that regard what is also to be kept in perspective is that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provides so. Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case to case basis on the facts involved therein and securing the presence of the accused to stand trial."*



28. While considering application for bail, detailed discussion of evidence and elaborated documentation on merits is to be avoided. No party should have an impression that his case has been pre-judged. The same has been considered by the Hon'ble Apex Court in the case of ***Vaman Narain(Supra)***.

29. The original will and other documents seized by the Investigating Agency have been sent to CFSL, Hyderabad, for examination and the Investigating Officer has received the report. In the said report, it is opined that the signature of deceased -Raghunath has been forged. The main allegation against the petitioner is that he used counterfeit stamp paper for creating documents namely Will, agreements etc., to knock off the property of the deceased -Raghunath. Considering the fact that the disputed documents have been examined by the expert and as the report and opinion have been received by the Investigating Agency, itself indicates that the major portion of the investigation is over. On query about the



stage of investigation with the Special Public Prosecutor appearing for the CBI, he submitted that Investigation is at final stage. Considering the said aspect, it can be said that major portion of the investigation is over and therefore, the petitioner is not required for further custodial interrogation.

30. It is alleged that the petitioner had won over the officers of State Investigating Agency and got FSL report in his favour and the officers who helped the petitioner have been booked. Now the matter has been investigated by CBI, well-reputed Investigating agency. As the major portion of the investigation is over and the fact that the CFSL report has also been received by the Investigating Agency, it cannot be now be alleged that there are chances of the petitioner winning over the Officers of the Investigating Agency and the prosecution witnesses. Learned Senior Counsel for the petitioner submitted that the petitioner is ready to be away from the state of Karnataka and he will not enter the Karnataka and



any condition to that effect can be imposed. Learned Senior Counsel further submitted that in order to meet the flight risk to the petitioner is ready to surrender his passport.

31. It is contented that the petitioner is involved in bomb blast case and NDPS case. Learned Senior Counsel for the petitioner has placed on record an order passed in W.P.No.26737/2024 dated 23.06.2025, where under the NDPS case registered against the petitioner in Special C.C.No.491/2023 has been quashed. It is also submitted that the petitioner has been acquitted in bomb blast case.

32. The Hon'ble Apex Court in ***Prabhakar Tiwari Vs State of Uttar Pradesh and Another***<sup>16</sup> has held has under:

*"7. .... The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."*

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<sup>16</sup> Reported in (2020) 11 SCC 648



33. The Hon'ble Apex Court in ***Abhimanue Etc., Vs State of Kerala***<sup>17</sup> has held as under:

*"23. Our attention was also invited to the status report filed by the State, to indicate the various criminal antecedents of the appellants. Suffice it to say, however, that such antecedents by themselves cannot constitute a ground for denial of bail. In this context, a useful reference may be made to the decision of a coordinate Bench of this Court in Ayub Khan v. State of Rajasthan of which one of us (Augustine George Masih, J.) was a member. The relevant paragraph there from is extracted below:*

*10. The presence of the antecedents of the accused is only one of the several considerations for deciding the prayer for bail made by him. In a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long*

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<sup>17</sup> Reported in 2025 SCC OnLine SC 2037



*incarceration. The presence of antecedents may not be relevant in such a case. In a given case, the Court may grant default bail. Again, the antecedents of the accused are irrelevant in such a case. Thus, depending upon the peculiar facts, the Court can grant bail notwithstanding the existence of the antecedents.....”*

34. It is submitted that the offence alleged against the petitioner under Sections 255 and 467 of IPC are provided with sentence of imprisonment which may extend upto imprisonment for life. The said provisions also provide that the sentence of imprisonment may be imposed upto 10 years. The said aspect itself indicates that it is not exclusively punishable with imprisonment for life. Considering the above aspects and the fact that the petitioner has been interrogated in police custody for 07 days and he is in judicial custody since last 02 months and that the major portion of the investigation is over. The petitioner has made out case for grant of bail with conditions. The apprehension of the prosecution is that if



the petitioner is granted bail he will hamper the investigation, tamper the prosecution witnesses, and commit similar offence can be met with by imposing stringent conditions.

35. In the result, the following

ORDER

- i) The petition is ***allowed.***
- ii) The petitioner is granted bail in Crime No.RC07(S)/2022/CBI/SCB/Chennai registered for the offences punishable under Sections 120B read with Sections 465, 467, 468, 471, 255, 256, 257, 258, 259 and 260 of IPC subject to following conditions:
  - a) The petitioner –accused No.9 shall execute bail bond for a sum of Rs.5,00,000/- with two sureties for the like sum to the satisfaction of the jurisdictional Court.



- b) The petitioner –accused No.9 shall appear before the Investigating Officer whenever called for and cooperate for further investigation, if any.
- c) The petitioner –accused No.9 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such a facts to the court or police officer or tamper with the evidence.
- d) The petitioner –accused No.9 shall surrender his passport within one week after his release on bail.
- e) The petitioner –accused No.9 shall not enter the State of Karnataka till final report is filed, except for the purposes of further investigation whenever summoned by the Investigating Officer or attending the Court.



- f) The petitioner –accused No.9 shall not tamper the prosecution witnesses either directly or indirectly.
- g) The petitioner –accused No.9 shall not involve in commission of any offence.
- h) The petitioner –accused No.9 shall attend the trial court on all dates of hearing unless exempted and cooperate for speedy disposal of the case.

If the petitioner –accused No.9 violates any of the above conditions, the prosecution is at liberty to seek cancellation of bail granted to him.

**Sd/-  
(SHIVASHANKAR AMARANNAVAR)  
JUDGE**

DSP  
List No.: 1 Sl No.: 33  
Ct.sm