

KABC010281762026



**IN THE COURT OF THE LI ADDL. CITY CIVIL & SESSIONS
JUDGE AT BENGALURU CITY. (CCH 52)**

Dated this the 25th day of September 2026

:PRESENT:

Smt. Nirmala Devi S. B. Sc., LL.B,
LI Addl. City Civil & Sessions Judge,
Bengaluru City.

Crl. Misc. No. 9170/2026

Petitioner:

Sri. Gyanedra Kumar Gangwar,
S/o. Ram Gulam Ganwar,
Aged about 41 years,
IAS Officer, Presently serving as
Director, Micro, Small & Medium
Enterprises, Department of
Industries and Commerce,
Government of Karnataka,
Bengaluru.
R/at. C-09, 8th Cross, 4th Main,
Jayamahal Extension,
Bengaluru.

(By Sri. Nishith Kumar Shetty, Adv.)

//Vs//

Respondent:

The State of Karnataka,
By Vidhana Soudha police station,
No2 Investigated by CID police,
Bengaluru.

**(Rep. by Learned Public Prosecutor.
Bengaluru City)**

ORDER

The petitioner has filed this petition U/sec.483 of BNSS for the grant of regular bail in Crime No. 89/2026 registered by respondent Vidhana soudha police, now investigated by CID, Bengaluru for the offences punishable under Sections. 318(3) of BNS 2023 and U/Sec. 10 of Karnataka Public examination (Measures for prevention of Corruption and unfair means of Recruitment) Act, 2023.

2. The petitioner has contended as under:-

According to the petitioner, the case of the prosecution is that KPSC issued notification on 29.7.2024 for the recruitment of 400 (342+58 Back log) posts of Veterinary officers in the Animal Husbandry and Fisheries Department. The competitive exams conducted on 8.1.2026 and 9.1.2026. The final list announced on 17.7.2026. It is alleged that the candidates related to the President, Members and Staff working in High posts of KPSC have passed in the examination with Highest ranks. It is also alleged that examination conducted by the KPSC for the post of

Veterinary officers was very tough and the candidates who have won gold medals and passed the IFS examination conducted by the UPSC have failed to get 350 marks. The candidates who performed average in their degree examination have scored more than 400 marks. This raised suspicion regarding genuineness of selection process. It is further alleged that the candidates were taken to Hotels and Resorts and the question papers with answers were given, trained the candidates and brought them near examination centre. Many candidates have made illegal preparation before going to the examination and came to the examination room and answered only few questions in the OMR copy and some candidates have noticed that they given a blank OMR copy without answering most of the questions. It is alleged that the KPSC has published the merit list on 12.2.2006 contains only the names and registration numbers of the candidate, there is no address, telephone number or marks scored in the examination. The middlemen called the eligible candidates and gave them many private details of the candidate and demanded about 80 lakhs for securing employment. Based on the above said complaint

the Vidhana soudha police have registered Cr. No. 89/2026 for the alleged offences under Sections. 318(3) of BNS 2023 and U/Sec. 10 of Karnataka Public examination (Measures for prevention of Corruption and unfair means of Recruitment) Act, 2023.

3. The petitioner voluntarily appeared before the investigating agency on 3 consecutive dates 27.8.2026, 28.8.2026 and 29.8.2026 pursuant to the notice issued U/sec. 179 of BNSS by the respondent and fully co-operated with interrogation. However on 29.8.2026, the CID abruptly arrested the petitioner and arrayed him as accused No.5 in the remand application and produced before the Magistrate and he was taken to police custody from 31.8.2026 to 9.9.2026 and thereafter he is in judicial custody. That a false case has been foisted against the petitioner. But he is innocent of the alleged offences and he has not committed any offences as alleged and hence he filed the present petition on following grounds:-

4. The petitioner is innocent of the alleged offences and he has been falsely implicated due to Government and media pressure. There is no direct nexus or prima-facie

material connecting the petitioner to the alleged recruitment malpractices. The prosecution primarily relied on the statement of one candidate, Mohammad Suheil Bandengola, who alleged to have received a WhatsApp call from an unidentified person and demanded for money to secure employment. The said statement does not allege any demand by the petitioner nor mentions any payment made to the petitioner. Mere alleged technical contact with an unidentified individual which cannot establish criminal conspiracy without evidence to intent, knowledge or transaction.

5. There is no bank transfer, cash, digital entry, or illicit monetary of Rs. 20 lakhs or any amount has been recovered from or linked to the petitioner and no incriminating material was collected by the respondent during the course of custodial interrogation. That the continued detention of the accused person results in serious hardship and they are deprived of their fundamental rights guaranteed under Art. 21 of constitution. That the entire evidence is based on documentary, electronic and forensic in nature. The primary OMR sheets (serial No.1 to 1006)

question papers, selection lists, and examination records have already been seized by the respondent and dispatched to Forensic Science Laboratory and IBPS Mumbai. Since the core material is in secure institutional custody, there is no question of petitioner tampering with evidence.

6. The petitioner is a former controller of examination KPSC. He no longer holds the said office and exercises administrative control or access over KPSC records.

7. The petitioner suffering from severe life threatening medical conditions. He is a survivor of Testicular Cancer having under gone two surgeries and requiring follow up chemotherapy and suffers from High Blood pressure, asthma and chronic liver condition. The MRI scan conducted at Victoria Hospital on 3.9.2026 revealed severe lumbar spinal degeneration in L3-L4 and L4-L5 regions, for which doctors have advised immediate L4-L5 spinal surgery and complete bed rest. Therefore continued incarceration poses a grave threat to his health and life violating Art. 21 of Constitution of India.

8. It is well settled by catena of decisions of Hon'ble Supreme court including **Sanjay Chandra Vs. CBI (2012)**¹

SCC 40, Dataram Singh Vs. State of U.P.(2018)3 SCC 22 and Satender Kumar Antil Vs. CBI (2022) 10 SCC 51 that the primary object of bail is to secure the attendance of the accused at trial and pre-trial detention cannot be permitted to become punishment without trial.

9. The petitioner is a senior IAS officer with established identity, known residence and deep roots in society. There is no overt allegation that the petitioner ever threatened or contacted any prosecution witnesses. The offence alleged against the petitioner though non-bailable, but not punishable with death or life imprisonment.

10. In the decision of Supreme court in **1978(1) SCC 118 (Gurucharan Singh and others Vs. State of Delhi)** the hon'ble Supreme court observed that in all non-bailable offences, except the cases relating to punishable with death or imprisonment for life, judicial discretion will always be exercised by the Court in favour of granting bail subject to condition stipulated U/sec. 437 of Cr.P.C. by imposing conditions.

11. It is well settled by catena of decisions of Hon'ble Supreme court and Hon'ble High courts that the powers to

grant bail is not to be exercised as if punishment before trial is being imposed and even when a prima facie case is established, the approach of the court in the matter of bail is not that the accused should be detained by way of punishment.

12. In **Bhagirath Singh Vs. State of Gujarat (1984)**¹ **SCC 284**) The Apex court held that “ It is now well settled by a catena of decisions of this court that the power to grant bail is to be exercised as if the punishment before trial is being imposed. The only material considerations in such a situation are where the accused would be readily available for his trial and where he is likely to abuse the discretion granted in his favour by tampering with the evidence. Even when a prima-facie case is established, the approach of the court in the matter of bail is not that the accused should be detained by way of punishment.

13. The alleged offences against the petitioner is not punishable with death or imprisonment for life and exclusively triable by this court and there is no legal embargo to refuse the bail. He is ready and willing to offer solvent surety to the satisfaction of this court and undertakes not to

tamper with evidence or witnesses and abide by conditions that may be imposed. Based on the said contentions, prayed to allow the petition.

14. The learned public prosecutor has filed objections along with the report of the I.O. The prosecution has contended that in the present case the petitioner has been arrayed as accused No. 5. The present petition is not maintainable as the alleged offence is grave and heinous and if bail is granted he will influence the further investigation. That the respondent has identified the place where the petitioner had given question papers to accused No.6 Basavaraj Kannale and where Xiamoi Tab used for the commission of offence has been destroyed. Therefore there is possibility of destroying the evidence. That accused No.6 Basavaraj Kannale had collected the money from the candidates by way of deposit through Om lakshmi Souharda Co-operative Society Ltd and through one Balu reddy. Thereafter he used the said money for his personal use and also transferred the said money to Bhima Jewellers situated at Commercial Street, Bengaluru for the purpose of purchasing gold jewels by the present petitioner. That the

respondent has seized gold jewelleries and investigating further regarding there is remaining golden ornaments if concealed by the petitioner. That the Assistant who assisted the middleman Basavaraj Kannale for the commission of alleged offence has been identified and investigation is going on. The respondent has seized NVR (Net work Video recording) regarding visit of accused No.6 to the house of petitioner. The investigation regarding forensic analysis of digital equipments seized is still pending. The OMR answer scripts and carbon OMR retained by the candidates have been seized and sent for FSL and report is not yet received. The respondent also collected evidence to show that accused persons with intermediaries have committed the alleged offences. That the offence committed by the accused is heinous, antisocial and illegal offence, which demoralize the entire selection process and due to fraud committed by the accused persons, the meritorious, hard working, honest candidates have lost confidence in the selection process and they have been deprived of employment. The petitioner being responsible IAS officer as Controller of examination has not safeguarded the interest of meritorious candidates.

The statements of the candidates and witnesses is not yet recorded. Therefore, if at this stage the petition is allowed and bail is granted to the petitioner, as he is an IAS officer, there is possibility of destroying the electronic evidence and also threatening the witnesses and thereby he will influence further investigation. Further as the petitioner is a native of Uttar padesh State and he is under suspension, if bail is granted, there is likelihood of absconding, thereby not co-operating with further investigation. Since the case is at the stage of investigation, if the petitioner is released on bail, there is likelihood of influencing further investigation. That there are prima-facie materials to show that petitioner has committed the alleged offences and prayed to dismiss the petition.

15. Heard both sides and perused the written submission filed on behalf of the petitioner and record.

16. The points that arise for my consideration are:-

1. Whether the petitioner is entitled for Regular bail as prayed by him?
2. What Order?

17. My finding on the above points are as under:

Point No.1: In the Negative,

Point No.2: As per final order

for the following;

REASONS

18. **Point No. 1 :-** The learned counsel for petitioner has argued that petitioner had voluntarily appeared for investigation, but he is illegally detained by the respondent police without issuing notice. Further he argued that it is mandatory to serve notice for the alleged offence. However in the petition itself, the petitioner has stated that he appeared for investigation in response to the notice issued U/sec. 179 of BNSS. The learned P.P. argued that the petitioner appeared before the respondent police, but he never co-operated with the investigation and therefore they were constrained to arrest him and take him to police custody in order to facilitate the investigation. Since the alleged offence is U/Sec. 10(2) of Karnataka Public examination (Measures for prevention of Corruption and unfair means of Recruitment) Act, 2023. and the punishment prescribed is for more than 10 years and fine of Rs. 10 Crores,

the issuance of notice for interrogation is not mandatory. However there is no serious contention made by the petitioner regarding non-serving of notice for investigation.

19. The learned counsel for petitioner argued that petitioner is a survivor of Testicular Cancer undergone two surgeries and still under going chemotherapy and also suffers from life threatening medical conditions and High Blood pressure, asthma and chronic liver condition. The MRI scan conducted at Victoria Hospital on 3.9.2026 revealed severe lumbar spinal degeneration in L3-L4 and L4-L5 regions, for which doctors have advised immediate L4-L5 spinal surgery and complete bed rest.

20. In support of the said arguments the learned counsel for petitioner has relied on the following decisions:-

1) Crl. Appeal No. 1021/2022 with MA No. 1144/2022 in SLP(Crl) No. 2239/2022 2022 SCC Online SC 986: decided on 8.8.2022 (Varsha Gard Vs. State of Madhya Pradesh)

2) Satender Kumar Antil Vs. Central Bureau of Investigation & Anr., (2022) 10 SCC 51, Judgment dt: 11.7.2022.

3) Ravindra Singh & Ors Vs. State of Uttar pradesh and Anr., SLP(Crl) No. 7502/2019 , Order dt: 15.3.2021.

4) Dr. P. Varavara Rao Vs. National Investigating Agency & Anr. Criminal Appeals Nos. 1206 & 1207/2022 2022 SC 1004: decided on 10.8.2022.

5) Dipak Shubhash chandra Mehta Vs. C.B.I. & Anr. Criminal Appeal No. 348/2012 (2012) 4 SCC 134: decided on 10.2.2012.

21. However in support of the said ground urged in the petition and the arguments, the learned counsel for petitioner, no medical records placed before this court. Therefore the petitioner has failed to establish that he is suffering from serious medical condition and requires medication and immediate surgery I.e, medical emergency . Hence the said ground is not established and on that ground he is entitled for bail.

22. According to the petitioner, the prosecution case is solely based on documents, electronic and forensic and the same are in the custody of respondent police which have been referred for forensic analysis and therefore further detention of the petitioner is not required. Further the

prosecution has vehemently contended in the objection statement that since the petitioner is an IAS Officer and if he is granted bail, there is likelihood of destroying the evidence and also influencing the further investigation. The prosecution also contended that the place where the question papers were handed over to accused No.6 by the petitioner and where the Xiamoi tab was destroyed was identified and in this regard panchanama has been drawn. The copy of the panchanama has been produced. According to the prosecution the forensic analysis of the documents sent is not yet received and the investigation regarding recording of statements of candidates and witnesses is still pending. Thus according to the prosecution the investigation is not yet completed. Admittedly the petitioner is a IAS officer and therefore if he is released on bail, there is possibility of destroying evidence and influencing the further investigation.

23. In support of the said contention and arguments the learned P.P. has relied on the following decisions:-

1) Subramanian Swamy Vs. Manmohan Singh & Another (2012)3 Supreme Court cases 64.

2) Niranjan Hemchandra Satittal Vs. State of Maharashtra (2013)4 Supreme court cases 642.

24. The prosecution has opposed the petition on the ground that since the petitioner is an IAS officer and he is a native of Uttar pradesh, who is under suspension if released on bail, there is likelihood of absconding. Admittedly the petitioner is an IAS Officer and was working in Bengaluru. Therefore the said apprehension is without basis. Therefore on that ground petition cannot be rejected.

25. According to the prosecution there are prima facie materials against the petitioner regarding involvement in the commission of alleged offences with accused No.6 and that money exchanged between the petitioner and accused No.6 has been traced. In this regard the prosecution submitted various bank account statements extracts and money trail synopsis regarding transfer of money by the candidates to the benami account of accused No.6 maintained with Om Lakshmi Souharda Sahakari Sangha situated at Bidar. The prosecution has produced application form submitted for opening of account in the name of the said society. As per the said application the said account was opened on

2.4.2025, it is just prior to the commission of alleged offences. According to the prosecution the candidates have deposited in all Rs. 70 lakhs to the said account, there were 15 transfers from February to August 2026 in all Rs. 1,86,28,500/- to the account of Sri. Siddashri Souharda Sahakari Bank situated at Bhalki, Bidar. From the said bank account a sum of Rs. 8 lakhs transferred to Bhima Jewellers. Further a sum of Rs. 7 lakhs transferred from Om Lakshmi Souharda Sahakara Bank to Bhima jewellers. As per the money trail synopsis a sum of Rs. 15,00,014/- deposited by the selected candidates as per the instructions of accused No.6 to the account of one Balu reddy maintained with Kotak Mahindra bank and thereafter he transferred the said amount to the account of accused No.6 and accused No.6 transferred the said amount to the account of petitioner, who in turn paid it for purchasing gold jewellery worth of Rs. 52,30,000/- from Bhima jewellers, Bengaluru. The learned P.P. vehemently argued that even the respondent has collected photograph of petitioner with his friend Ms. Yashi Jaiswal purchasing Diamond necklace from Bhima Jewellers and produced the said photograph. The learned counsel for

petitioner pointed out that the said photograph is related to 26.7.2026 i.e., after registration of the FIR and therefore it is manipulated. The respondent has produced the copies of receipts regarding purchase of gold jewels from Bhima jewellers in the name of Ms. Yashi Jaiswal. However the said documents are subject to trial. However the said photograph coupled with copies of receipts would make out a prima facie case regarding money trail traced to accused No.6.

26. The learned P.P. argued that accused No.6 is running Bhagawathi Enterprises and through the said agency the accused No.6 used to book Air tickets for the petitioner as well as to his family members. In this regard the prosecution has produced the details of Air ticket purchased through Sowmya Air Travel by Bhagavathi enterprises and developers in the name of petitioner and Ms. Yashi Jaiswal. The said purchase starts from April 2025 to August 2026. For the purchasing of said Air tickets accused NO.6 has paid in all Rs. 11,37,973/-. Further in the name of petitioner there were 54 bookings and in the name of Ms. Yashi Jaiswal 11 bookings. The said document at Annexure N discloses that the said travel was from Bengaluru to Ayodya, from

Bengaluru to Bareilly, from Bengaluru to Lucknow. Admittedly the petitioner is a native of Bareilly in Uttar Pradesh.

27. Further the prosecution has argued that there was phone contact between accused No.5 and 6 i.e, petitioner and accused No.6 Basavaraj Kannale. In this regard the prosecution has produced IPDR extract and also phone call extracts between Omkar Kannasetti and Basavaraj Kannale. As per the said details, the petitioner and accused No.6 had contact over phone. Accordingly the accused No.6 Basavaraj Kannale had contact with Omkar Kannasetti who owns Om Lakshmi Souharda Sahakara Sangha at Bidar. Therefore the said documents establish prima facie materials against the petitioner that he had contact with accused No.6 and also there is money trail traced by the respondent between accused No.5 and 6 and the candidates. Therefore as the prosecution has made-out a prima facie case regarding the alleged offence against the petitioner, if he is released on bail, as he is an IAS Officer there is possibility of influencing further investigation. Therefore as investigation is still pending, and also the prosecution has alleged that petitioner

involved in destroying the evidence i.e. Xiamoi tab used for the commission of the offence, the grounds urged by the petitioner does not inspire to grant regular bail to the petitioner. Therefore at this stage the petitioner has not made-out valid reasons to release him on regular bail. Therefore the petitioner is not entitled for the relief sought. Hence, I answer the point raised above in the **Negative**.

28. **Point No. 2:** In view of my above discussions, I proceed to pass the following:

ORDER

The bail petition filed by the petitioner U/Sec.

483 of BNSS 2023 is hereby rejected.

(Dictated to the Stenographer grade-I, transcribed and computerised by her and after corrections, printout taken and then pronounced in the Open Court and signed by me, on this the 25th day of September, 2026)

(NIRMALA DEVI S.)
LI Addl. City Civil & Sessions Judge,
Bengaluru City

In support of her case, the learned P.P. has produced the following decisions:

1) Subramanian Swamy Vs. Manmohan Singh & Another (2012)³ Supreme Court cases 64.

2) Nirajan Hemchandra Satittal Vs. State of Maharashtra (2013)⁴ Supreme court cases 642.

3. Photographs.

Orders pronounced in open court
vide separate orders.

The bail petition filed by the petitioner U/Sec. 483
of BNSS 2023 is hereby rejected.

(NIRMALA DEVI S.)
LI Addl. City Civil & Sessions Judge,
Bengaluru City