



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 7089 OF 2026
[(439(Cr.PC) / 483(BNSS))]

BETWEEN:

SYED ARFATH @ ARFATH
S /O. SYED AKHTHAR PASHA,
AGED ABOUT 28 YEARS,
R/AT NEAR BUDDHA SCHOOL,
SHANTHI NAGARA, BELURU TALUK,
HASSAN DISTRICT - 573 121.

...PETITIONER

(BY SRI. SIRAJUDDIN AHMED, ADVOCATE)

AND:

STATE OF KARNATAKA
SHO OF DAVANAGERE CEN CRIME P.S.,
REP. BY SPP,
HIGH COURT BUILDING,
BANGALORE - 560 001.

...RESPONDENT

(BY SMT. SOWMYA R, HIGH COURT GOVERNMENT PLEADER)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS)
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME
NO.113/2025 IN S.C.NO.1/2026 REGISTERED BY DAVANAGERE CEN
CRIME POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER
SECTIONS 66(C), 66(D) OF IT ACT AND U/S 318(3), 319(2) OF BNS,
2023, PENDING IN THE COURT OF THE PRL. DISTRICT AND
SESSIONS JUDGE, DAVANAGERE AT DAVANAGERE.





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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

This petition is filed by accused No.2 under Section 483 of Bharatiya Nagrika Suraksha Sanhita, 2023, for releasing him on bail in S.C.No.1/2026 arising out of Crime No.113/2025, registered by Davanagere CEN Crime Police Station, for the offences punishable under Sections 111(2)(b), 318(3), 319(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 and under Sections 66(C) and 66(D) of Information Technology Act, 2000, pending consideration before the Principal District and Sessions Judge, Davanagere.

2. The defacto complainant, informed the respondent on 29.08.2025 that certain amounts were illegally transferred from Anjanadri Constructions to various accounts and that one of the beneficiary of such transfer was the petitioner herein. It was also alleged that, there was no transaction between the company as well as the petitioner herein. Therefore, the petitioner along with others had committed offences punishable under Sections 318(3) and 319(2) of BNS and under Sections



66(C) and 66(D) of the I.T. Act. Based on such information, a case in Crime No.113/2025 was registered for the aforesaid offences. The petitioner filed an application under Section 483 of BNSS, which was rejected in terms of the order dated 10.03.2026. The petitioner is therefore before this Court.

3. Learned counsel for the petitioner submitted that, a sum of Rs.65,900/- was transferred to the account of the petitioner on 14.08.2025 which is much prior to the complaint dated 29.08.2025. Learned counsel for the petitioner further contended that, the alleged fraud involved a sum of Rs.52,60,400/- and the petitioner is allegedly the recipient of a small portion of the said amount. He submits that since all the material is available in the bank, no purpose would be served in keeping the petitioner behind bars.

4. Learned counsel for the petitioner further submitted that, since the allegations against the petitioner are borne out from the record, it is not necessary for any custodial interrogation and therefore, prays that the petitioner be released on bail.



5. Per contra, learned High Court Government Pleader for the respondent submitted that, there is a clear cut allegation against the petitioner of his involvement in the alleged transfer of money from the account of Anjanadri Constructions to his account and therefore, it is necessary to include the petitioner in the investigation.

6. A perusal of the complaint lodged shows that, a sum of Rs.65,900/- was purportedly transferred from the account of Anjanadri Constructions to the account of the petitioner. Since there is proof in black and white regarding the transfer, it is not necessary that the petitioner is kept behind bars perpetually.

7. In that view of the matter, the Criminal Petition is **allowed**. The petitioner is ordered to be released on bail in S.C.No.1/2026 arising out of Crime No.113/2025, registered by Davanagere CEN Crime Police Station, , for the offences punishable under Sections 111(2)(b), 318(3), 319(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 and under Sections 66(C) and 66(D) of Information Technology Act, 2000, pending before the Principal District and Sessions Judge, Davanagere, subject to the following conditions:



- i. The petitioner shall execute a personal bond for Rs.50,000/- with a solvent surety for the likesum and to the satisfaction of the Trial Court.
- ii. He shall appear before the Court on all dates of hearing unless exempted by the Court.
- iii. He shall not commit any offence similar to the offence of which he is accused or suspected of commission of which he is suspected and he 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 facts to the Court or to any Police Officer or tamper with the evidence.
- iv. In the event of violation of any of the above conditions, it is open for the Investigating Officer / prosecution to seek for cancellation of the bail in which event the appropriate Court shall deal with the said application in accordance with law.

**Sd/-
(R. NATARAJ)
JUDGE**