



CNR: KAHC010661002026

NC: 2026:KHC:58740  
CRL.P No. 14766 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU  
DATED THIS THE 15<sup>TH</sup> DAY OF OCTOBER, 2026  
BEFORE**

**THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY  
CRIMINAL PETITION NO. 14766 OF 2026**

**BETWEEN:**

DR. SHANTHA HOSAMANI  
W/O. PURUSHOTHAMA B.S  
AGED ABOUT 62 YEARS  
R/AT. NO.2036-5  
THARALABALU BADAVANE  
RANGANATH BADAVANE  
DAVANAGERE CITY - 577 005.

...PETITIONER

(BY SRI S. VIVEK REDDY, SR. COUNSEL FOR  
SMT. ASHWINI B.N, ADV.)

**AND:**

THE STATE OF KARNATAKA  
BY VIDHANA SOUDHA POLICE STATION  
BENGALURU, NOW INVESTIGATED BY CID  
BENGALURU, REPRESENTED BY ITS  
LEARNED STATE PUBLIC PROSECUTOR  
HIGH COURT OF KARNATAKA  
BENGALURU - 560 001

...RESPONDENT

(BY SRI REUBEN JACOB, AAG A/W  
SMT. SINCHANA M.R, ADV., FOR KPSC;  
SRI JAGADEESHA B.N, SPP A/W  
SRI RAHUL RAI K, HCGP)

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Location  
HIGH COURT  
OF  
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THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNSS) PRAYING TO ALLOW THIS PETITION AND DIRECT THAT IN THE EVENT OF HER ARREST IN CR.NO.91/2026 OF VIDHANA SOUDHA P.S. BENGALURU (NOW INVESTIGATED BY CID, BENGALURU) ON THE FILE OF THE LV ADDL.C.J.M BENGALURU FOR THE OFFENCE P/U/S 10 OF THE KARNATAKA PUBLIC EXAMINATION (MEASURES FOR PREVENTION OF CORRUPTION AND UNFAIR MEANS IN RECRUITMENT) ACT 2023 THE PETITIONER SHALL BE RELEASED ON BAIL.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

**ORAL ORDER**

1. This petition under Section 482 of BNSS, 2023, is filed by accused No.1, apprehending arrest in Crime No.91/2026 registered by Vidhana Soudha Police Station, Bengaluru, which is now being investigated by CID, Bengaluru, for the offence punishable under Section 10 of the Karnataka Public Examination (Measures for Prevention of Corruption and Unfair Means in Recruitment) Act, 2023.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.91/2026 was registered by Vidhana Soudha Police Station, Bengaluru, for the aforesaid offence



against the petitioner and another based on the first information dated 07.08.2026 received from Kanthakumar R S/o Rajanna, President of All Karnataka State Students Association (R). Apprehending arrest in the said case, petitioner had filed Crl.Misc.No.8154/2026 before the jurisdictional Sessions Court, which was rejected on 10.09.2026. Therefore, she is before this Court.

4. Learned Senior counsel appearing on behalf of the petitioner having reiterated the grounds urged in the petition submits that petitioner is a married lady and Doctor by profession. She has no criminal antecedents and she has appeared before Investigation Officer in the present case and co-operated for investigation. No incriminating material is collected till date to connect the petitioner to the alleged crime. She is ready and willing to cooperate with the police for the purpose of further investigation. Considering the nature of allegations, her custodial interrogation may not be necessary in the present case. Accordingly, he prays to allow the petition.



5. Per contra, learned State Public Prosecutor for the respondent-State, who has filed statement of objections opposing the petition, submits that petitioner and accused No.2, have not cooperated with the police and their statements are contradictory. Considering the nature of allegations, involvement of other persons within the Institution and also outside the Institution cannot be ruled-out. The particulars of other beneficiaries if any, needs to be found out. He submits that the petitioner is a very influential lady, who was holding a responsible post and the alleged act committed by her clearly attracts the offence for which FIR has now been registered. He, accordingly, prays to dismiss the petition.

6. Learned counsel for the Karnataka Public Service Commission (hereinafter referred to as 'the KPSC' for short), has produced the marks chart indicating the marks awarded to accused No.2 and other candidates, who were interviewed on the alleged date by the petitioner and other members of the Interview Committee. He submits that documents relating to the marks awarded is produced under a sealed cover because the result of the examination has not yet been announced in



view of the interim order passed by this Court in a separate proceedings.

7. In the first information, it is alleged that petitioner, who was the member of the KPSC had received illegal gratification from accused No.2, the candidate, who had appeared in the examination for securing a post in KAS recruitment that was held by the KPSC.

8. Records would reveal that petitioner, who is a member of KPSC, was also the member of the Committee which had interviewed accused No.2 along with other candidates on 08.05.2026. The allegation against the petitioner, who was holding a responsible post is of committing an offence punishable under the provisions of the Karnataka Public Examination (Measures for Prevention of Corruption and Unfair Means in Recruitment) Act, 2023, which was brought into force with an objective to provide for strict and effective measures to prevent and curb the offences of leakage of question papers and use of unfair means at public examinations conducted for recruitment to any post in or under the State Government,



including, autonomous bodies, authorities, boards or corporations.

9. Learned Senior Counsel appearing for the petitioner has submitted that petitioner has appeared before the Investigation Officer and cooperated for investigation and he also has submitted that considering the nature of allegations found against the petitioner, her custodial interrogation may not be necessary.

10. The allegation against the petitioner is of favoring a particular candidate for extraneous reasons, in the interview that was held to the post of KAS officers. Records made available to the Court by learned SPP and learned counsel for KPSC makes out a *prima facie* case for the alleged offence, which is punishable with imprisonment upto twelve years. Petitioner allegedly has misused her office for the purpose of making unlawful gain. Such acts result in public losing faith in the system and thousands of students, who are otherwise meritorious are deprived appointments. In such situations, no



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matter how high the office the accused holds, he or she is to be treated on an equal footing by law, with iron hands.

11. Even in a case where custodial interrogation may not be required, the Court is required to consider other aspects of the case, like nature and gravity of allegations, impact of the crime on society, chances of accused tampering evidence and yielding influence etc. while considering prayer for pre-arrest bail. The necessity of custodial interrogation is a question to be decided by the concerned Court at the time when remand is prayed for.

12. The Hon'ble Supreme Court in the case of ***State of A.P. vs. Bimal Krishna Kundu and Another - (1997) 8 SCC 104***, in a case where accused was involved in leakage of question papers for crucial examination conducted by Public Service Commission and Board of Intermediate Education, has set-aside the order of anticipatory bail granted to the accused by the High Court. In paragraph Nos.7 to 9 and 12 of the said judgment, it is observed as follows:-



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*"7. There is no indication in Section 438 of the Code for justifying a hiatus to be made among non-bailable offences vivisecting those punishable with death or imprisonment for life and those others punishable with less than life imprisonment. No doubt such a classification is indicated in Section 437(1) of the Code, but that section is concerned only with post-arrest bail and not pre-arrest bail. Learned Single Judge seems to have telescoped considerations contemplated in Section 437 into the amplitude of the discretion envisaged in Section 438 of the Code.*

*8. A three-Judge Bench of this Court has stated in Pokar Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)*

*"5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal."*



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9. *Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)*

*"The consideration which should weigh with the Court while dealing with a request for anticipatory bail need not be the same as for an application to release on bail after arrest."*

xxx

12. *We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account by the learned Single Judge. We have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised*



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*himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on "the career of millions of students", learned Single Judge should not have persuaded himself to exercise the discretion which Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-arrest bail order."*

13. The Hon'ble Supreme Court in the case of ***State vs. Anil Sharma - (1997) 7 SCC 187***, in paragraph No.6 has observed as follows:-

*"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a*



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*mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."*

14. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep vs. Arun Kumar C. K. and Another - (2022) 17 SCC 391***, in paragraph No.12 has observed as follows:-

*"12. ... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial*



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*interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."*

15. Learned State Public Prosecutor has contended that though petitioner has appeared before the Investigation Officer, she has not cooperated for investigation. The call details of accused Nos.1 and 2 demonstrate that there were multiple calls between them prior to the interview.

16. This Court has also perused the marks awarded by the petitioner and other members of the Interview Committee to accused No.2 in the interview that was held on 08.05.2026, who is allegedly favoured by the petitioner.



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17. It is also brought to the notice of this Court that statement of accused Nos.1 and 2 with regard to their acquaintance is contradictory. Therefore, a thorough investigation in this type of cases is necessary to unearth the roots of crime, involvement of other persons within and outside the Institution, particulars of undeserving candidates who have been favoured, modus operandi followed by the accused etc., so as to curb and restore faith in the system.

18. While considering the bail application, Court should not delve upon appreciating material evidence more so, when the investigation is still under progress. Considering the nature of allegations and the material collected till date, I am of the opinion that prayer made by the petitioner for grant of anticipatory bail cannot be entertained.

19. At this juncture, it is necessary to clarify that rejection of anticipatory bail should not be considered that custody of accused would be required or that he or she should be arrested. Depending upon the material collected, circumstances



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and the conduct of accused, the Investigation Officer is required to exercise his discretion and take an objective view on the requirement of custody of an accused. Accordingly, the following order:-

20. The criminal petition is ***dismissed***.

**Sd/-**  
**(S VISHWAJITH SHETTY)**  
**JUDGE**

DN  
List No.: 1 Sl No.: 77