



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 1324 OF 2026

BETWEEN:

SYED SHABBEER @ SYED SHABBIR
@ SHABBIR
S/O LATE SYED SULTAN,
AGED ABOUT 29 YEARS,
R/AT NO.99, 11TH CROSS, MODI ROAD,
DEVARAJEEVANAHALLI,
BENGALURU-560 045.

...PETITIONER

(BY SRI. MANOJ S.N., ADVOCATE)

AND:

STATE OF KARNATAKA
BY DEVARAJEEVANAHALLI POLICE STATION,
BENGALURU-560 045.
NOW REPRESENTED BY THE SPP,
HIGH COURT BUILDING,
AMBEDKAR VEEDHI,
OPP. TO VIDHANA SOUDHA,
BENGALURU-560 001.S

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER/ACCUSED NO.1 ON BAIL IN S.C.NO.363/2020 PENDING ON THE FILE OF XIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYO HALL, BENGALURU (CCH-22) FOR THE OFFENCE PUNISHABLE U/S



302 OF IPC ON THE BASIS OF THE FIR REGISTERED IN CRIME NO.309/2019 BY THE RESPONDENT D.J. HALLI POLICE.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Petitioner was arrested on 12.11.2019 in connection with a case registered in Crime No.309/2019 of Devarajeevanahalli Police Station. He is in judicial custody since then. He is before this Court in this petition preferred under Section 483 of BNSS 2023, praying to enlarge him on bail.

2. It is not in dispute that the prayer for bail was rejected by this Court earlier in Crl.P.No.3695/2021, dated 12.05.2021, Crl.P.No.4457/2022 dated 21.10.2022 and Crl.P.No.11330/2025 dated 19.09.2025. In earlier two petitions, the merits of the case was considered and it is noticed that there are three eye witnesses i.e., CW.10 to CW.13 to the incident.



3. While disposing of Crl.P.No.11330/2025, this Court took into consideration that the eye witnesses are not yet examined and prayer seeking bail was rejected by this court twice. However, it was observed that if the prosecution fails to examine the eye witnesses within 3 months, petitioner is at liberty to move the Sessions Court for bail.

4. The learned Sessions Judge, vide Order dated 08.01.2026 in Crl.Misc.No.26063/2025 has dismissed the prayer for bail. Hence, the petitioner is before this Court.

5. While dismissing the petition, the learned Sessions Judge placing reliance on the judgment of the Hon'ble Apex Court reported in **2011 (3) SCC (Crime) 765** in the case of **Prasanta Kumar Sarkar v. Ashis Chatterjee and another**, observed that the gravity and seriousness of the offences involved in the case has to be looked into, which cannot be neglected while passing the bail orders.



6. The case of prosecution is that on 06.11.2019 at about 11.30 a.m., at 9th Cross, Modi Masjid Road, in front of furniture shop belonging into one Saddam, the petitioner/accused demanded money from the deceased Syed Waseem, for procuring ganja and when the deceased refused to pay the money, he stabbed him with a knife and committed his murder.

7. Nodoubt, the offence committed by the petitioner is heinous in nature. However, the petitioner has been languishing in judicial custody from 12.11.2019 i.e., for about 5 years 4 months. In the chargesheet, 24 witnesses are cited. As on today, it is submitted that, only 6 witnesses are examined, though the charges are said to have been framed on 22.06.2022. At this juncture, it is useful to refer to the judgment of the Hon'ble Apex Court in the case of **Javed Gulam Nabi Shaikh v. State of Maharastra and Another** reported in **(2024) SCC 1693**. The relevant paragraph is extracted hereunder:



"If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

8. It is also relevant to refer to the judgment of the Hon'ble Apex Court in the case of **Union of India v. K.A. Najeeb** reported in **2021 SC 712**. Paragraph No.16 of the said judgment is extracted hereunder:

"16. This Court has clarified in numerous judgments that the liberty guaranteed by Part III of the Constitution would cover within its protective ambit not only due procedure and fairness but also access to justice and a speedy trial. In Supreme Court Legal Aid Committee Representing Undertrial Prisoners v. Union of India, it was held that undertrials cannot indefinitely be detained pending trial. Ideally, no person ought to suffer adverse consequences of his acts unless the same is established before a neutral arbiter. However, owing to the practicalities of real life where to secure an effective trial and to ameliorate the risk to society in case a potential criminal is left at large pending trial, Courts are tasked with deciding whether an individual ought to be released pending trial or not. Once it is obvious that a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, Courts would ordinarily be obligated to enlarge them on bail."



9. Considering the length of incarceration undergone by the petitioner and having regard to the above judgments of the Hon'ble Apex Court, relief sought in the petition can be granted by imposing suitable conditions. Accordingly, the following:

ORDER

I. Petition is **allowed**.

II. Petitioner/accused in S.C.No.363/2020 pending on the file of the XIII Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru, arising out of Crime No.309/2019 of Devarajeevanahalli Police Station, Bengaluru City, shall be released on bail subject to following conditions:

- i. He shall execute a bond in a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for the like sum to the satisfaction of the learned Sessions Judge.
- ii. He shall furnish his residential address and shall inform the Court, if there is change in the address.



- iii. He shall not directly or indirectly tamper with the prosecution witnesses.
- iv. He shall not indulge himself in committing any offence.
- v. He shall appear before the trial Court regularly on all dates of hearing.
- vi. He shall mark his attendance at Devarajeevanahalli Police Station, Bengaluru City, on 2nd and 4th Sunday of every month between 10.00 a.m. and 11.00 a.m. till conclusion of the trial or until further orders.

Violation of any of the conditions shall result in cancellation of bail.

The observations made in the order shall be confined to the disposal of the petition.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE