HC-KAR

NC: 2026:KHC:17684
CRL.P No. 1983 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO. 1983 OF 2026

BETWEEN:

SRI SYED NOOR PASHA @ NOOR PASHA,
SON OF ANWAR PASHA,
AGED ABOUT 39 YEARS,
RESIDING AT 9TH CROSS,
MECCA MASJID ROAD,
BANASHANKARI 2ND STAGE,
BENGALURU - 560 070.

...PETITIONER

(BY SRI. KUMARA R.S. GOWDA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY YELWALA POLICE STATION
MYSURU,
REPRESENTED BY ITS STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU.

...RESPONDENT

(BY SRI. RANGASWAMY. R., HCGP)

Digitally signed by LAKSHMI T
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S 439 CR.P.C. (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE PETITIONER/ACCUSED NO.3 ON BAIL IN SC NO.149/2025 IN CRIME NO.70/2025 FOR THE OFFENCE P/U/S 61, 103, 238, 3(5) OF BNS, 2023, PENDING ON THE FILE OF THE HONBLE VI ADDL. DISTRICT AND SESSIONS JUDGE, AND SPECIAL JUDGE AT MYSURU.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

This is a successive bail petition preferred by the petitioner to enlarge him on bail in S.C.No.149/2025 on the file of the Court of VI Additional District and Special Judge at Mysore. The Sessions case arise out of Crime No.70/2025 of Yelawala Police Station, Mysore.

2. FIR was registered against accused Nos.1 to 3 on a complaint lodged by the PSI, Banashankari Police Station, for the offence punishable under Section 61, 103, 238, 3(5) of the BNS, 2023. On completion of investigation, charge is filed. Petitioner is arraigned as accused No.3 in the charge sheet.

3. Petitioner preferred a bail petition before this Court in Crl.P.No.9604/2025. The said petition along with Crl.P.No.9839/2025 preferred by accused No.2 was dismissed vide common order dated 16.09.2025. The instant petition is

preferred once again seeking to enlarge the petitioner on bail, on merits.

4. This Court while dismissing Crl.P.No.9604/2025, observed that two crucial scientific reports such as DNA and FSL are still awaited and further investigation is yet to be concluded and in such circumstances, release of the petitioners on bail may hamper the investigation and there are reasonable apprehension of the accused tampering with the witnesses or fleeing from jurisdiction.

5. Learned counsel for the petitioner contended that now the investigation is completed and charge sheet is filed and there are no sufficient materials against the petitioner to continue his detention. He submitted that the petitioner is in judicial custody from 09.01.2025 and therefore sought to allow the petition and enlarge the petitioner on bail by imposing conditions.

6. Learned High Court Government Pleader has opposed the prayer contending that there are sufficient

materials against the petitioner. Wherein CW.24, CW.26 and CW.27 are the witnesses who have last seen the petitioner and other accused with the deceased. He contended that the deceased was strangulated with a nylon rope by the present petitioner, while accused No.2 pressed a towel over his mouth and accused no. 1 held his hands and legs.

7. This Court has considered the facts and circumstances of the case in the previous petition preferred by the petitioner. The petition was dismissed, also taking into consideration the seriousness and the gravity of the offence alleged and the specific role attributed against the petitioner. The statements of witnesses namely CW.24 manager of S.L.N. lodge and CWs.26 and 27, Manager and Receptionist of M.B. International Lodge, Mysore, were taken into consideration, regarding the said witnesses, having last seen the deceased with the accused. Paragraph Nos.11 and 12 of the order passed are extracted herein:

> *11. The prosecution has relied upon recoveries under PF No.13/2025 of an 8ft. nylon rope from Accused*

No.3, as well as joint recovery of mobile phones and the car allegedly used in the commission of the offence. These recoveries lend support to the case of the prosecution at this stage.

12. The statements of material witnesses also prima facie connect the petitioners with the alleged crime. CW.24, Manager of S.L.N. Lodge, and CWs.26 and 27, Manager and Receptionist of M.B. International Lodge, Mysuru, have spoken regarding the stay of the accused along with the deceased and the fact of last-seen together. CW.28, the owner of the car bearing registration No.KA-07-N-9147, has deposed regarding the subsequent sale of the said vehicle by Accused No.1 after the incident. CW.29 has spoken about property dealings and the role of Accused Nos.1 and 2 in the transaction. CWs.30 and 31 are seizure witnesses for recovery of Rs.4,00,000/-. These statements, along with CW.19 who identified the deceased from the photographs in the UDR proceedings, and CW.38 who gave his blood samples for DNA comparison, constitute material which prima facie supports the prosecution case.

8. At this stage there are no changed circumstances so as to entertain the prayer for bail once again.

Petition is ***dismissed***.

It is submitted that the charges are framed and the case is set down for trial. The petitioner is at liberty to file a fresh petition for bail, if the trial is not concluded within 6 months from the date of commencement of recording of the evidence.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

LDC
List No.: 1 Sl No.: 2