



CNR: KAHC010188122026

NC: 2026:KHC:49163
CRL.P No. 4141 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 8TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 4141 OF 2026

BETWEEN:

1. MR. MOHAMMAD ASKAR
AGED ABOUT 27 YEARS
S/O LATE UMMAR
R/AT MORATHANA HOUSE
MORATHANA KADAMBAR POST
MANJESHWARA, KASARAGOD DISTRICT
KERALA - 671 323.

...PETITIONER

(BY SRI ARUNA SHYAM, SR. COUNSEL FOR
SRI SUYOG HERELE E, ADV.)

AND:

1. THE STATE OF KARNATAKA
THROUGH ULLAL PS
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO ALLOW THIS CRIMINAL PETITION AND DIRECT THE
RESPONDENT ULLAL POLICE STATION TO ENLARGE THE PETITIONER
ON REGULAR BAIL IN CONNECTION WITH CRIME NO. 035/2025 ON
THE FILE OF JMFC VII COURT, MANGALORE D.K REGISTERED BY
ULLAL POLICE STATION FOR THE ALLEGED OFFENCE UNDER
SECTION 111 R/W 3(5) OF BNS AND 3(1), 25(1B) (A) OF ARMS ACT.

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

Digitally signed
by NANDINI M
S



Location: HIGH
COURT OF
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.1 in Crime No.35 of 2025 registered by Ullal Police Station, Mangaluru City, Dakshina Kannada District, for offence punishable under Section 111 R/w 3(5) of BNS, 2023 and Section 3(1), 25(1B)(a) of Indian Arms Act, 1959 is before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.35 of 2025 was registered by Ullal Police Station, Dakshina Kannada District for the offences punishable under Section 111 of BNS, 2023 and Section 3(1) & 25 of the Indian Arms Act, based on the first information dated 13.03.2025, received from Sri Sharanappa Bhandary, Police Officer, attached to CCB Police Station, Mangaluru City. In the said case, accused nos.1 and 2 were taken into custody on 13.03.2025 and remanded to judicial custody. After completing investigation, charge sheet is filed against three persons and petitioner is arrayed as accused no.1 in the charge sheet. His



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bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.1009 of 2025 was rejected on 11.11.2025. It is under these circumstances, he is before this Court.

4. FIR in the present case was registered against five named persons and others based on the first information dated 13.03.2025 received from Sri Sharanappa Bhandary, Police Officer attached to CCB Police Station, Dakshina Kannada. In the first information, it is averred that, on 13.03.2025 at about 8 a.m,, the first informant had received credible information to the effect that two persons travelling in a car bearing No.MH-02-BT- 2287 were transporting drugs and arms illegally. It is under these circumstances, the aforesaid vehicle was intercepted and accused nos.1 and 2 who were the inmates of the said vehicle were apprehended and at their instance, one pistol and two live bullets were recovered under a panchanam. Thereafter, accused nos.1 and 2 were arrested and FIR was registered against 5 named persons and others. After completing investigation, charge sheet is now filed against 3 persons. Allegation as against accused nos.1 and 2 is similar in the first information as well as in the charge sheet.



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5. Material on record would go to show that, the seized pistol was purchased by accused no.2 at the instance of accused no.1 along with live bullets from Jalgaon in Maharashtra State and brought to Karnataka State. Accused no.1 had sold 5 out of the 6 pistols, which were brought by accused no.2 from Maharashtra and he had retained one pistol, which allegedly is recovered and seized in the present case.

6. Accused nos.1 and 2 both are persons with criminal antecedents and they were arrested together on 13.03.2025 along with a pistol and two live bullets. Accused no.2 has been granted regular bail by the Co-ordinate bench of this Court in Criminal Petition No.17697 of 2025 disposed of on 06.03.2026. The question of criminal antecedents as against accused no.2 was considered by the Co-ordinate bench of this Court in Criminal Petition No.17697 of 2025 and in paragraph no.14, it has observed as follows:-

"14. Insofar as criminal cases registered against the petitioner, it is useful to refer to para-23 of the judgment of the Hon'ble Apex Court in the case of **Abhimanue Etc. v. State of Kerala**



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reported in **2025 SCC online SC 2037**, which is
extracted hereunder:

"23. Our attention was also invited to the status report filed by the State, to indicate the various criminal antecedents of the appellants. Suffice it to say, however, that such antecedents by themselves cannot constitute a ground for denial of bail. In this context, a useful reference may be made to the decision of a coordinate Bench of this Court in Ayub Khan v. State of Rajasthan⁷ of which one of us (Augustine George Masih, J.) was a member. The relevant paragraph therefrom is extracted below:

10. The presence of the antecedents of the accused is only one of the several considerations for deciding the prayer for bail made by him. In a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long incarceration. The presence of antecedents may not be relevant in such a case. In a given case, the Court may grant default bail. Again, the antecedents



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of the accused are irrelevant in such a case. Thus, depending upon the peculiar facts, the Court can grant bail notwithstanding the existence of the antecedents....."

7. The Hon'ble Supreme Court in the case of ***PRABHAKAR TEWARI V STATE OF UTTAR PRADESH & ANR - (2020) 11 SCC 648*** has held that criminal antecedents of a person cannot be the sole reason to deny him bail, if he is otherwise found entitled for the same.

8. In the present case, the petitioner is in custody for the last nearly 18 months. Before the Trial Court, the case is still at the stage of hearing before charge. Petitioner has undertaken to cooperate before the Trial Court for expeditious disposal of the case. Under the circumstances, I am of the opinion that, the petitioner's prayer for grant of regular bail is to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:-

ORDER

- (i) Criminal petition is allowed.



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(ii) The petitioner is directed to be enlarged on bail in Crime No.35 of 2025 registered by Ullal Police Station, Mangaluru City, Dakshina Kannada District, for offence punishable under Sections 111 R/w 3(5) of BNS, 2023 and 3(1), 25(1B)(a) of Indian Arms Act, 1959, subject to the following conditions:

a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioner shall not involve in similar offences in future.

e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.



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f) The petitioner shall appear before the station house officer of Ullal Police Station and mark his attendance between 10.00 a.m, and 1.00 p.m, on the first and second Sunday of every month for a period of one year, from the date of his release from custody.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

NMS
List No.: 1 SI No.: 41