HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 4888 OF 2026

BETWEEN:

1. RUP NARAYAN SAH
S/O SURY NARAYAN SAH
AGED ABOUT 51 YEARS
R/AT N.T.P.C COLONY, VIL EAST RAM
KRISHANA NAGAR, SAMPATCHAK,
PO: JAGANPURA, PATNA, BIHAR - 800027

...PETITIONER

(BY Ms. JANAVI R., ADVOCATE FOR
SRI. BADRUDDEEN .B, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY CRIME POLICE STATION
MANGALURU

(REPRESENTED BY THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU-560001)

...RESPONDENT

(BY SRI. VINAY MAHADEVAIAH, HCGP)

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 438 CR.PC (FILED U/S 482 BNNS) PRAYING TO GRANT ANTICIPATORY BAIL TO THE PETITIONER IN THE EVENT OF THEIR ARREST IN CRIME NO. 98/2025 OF CEN CRIME POLICE STATION, MANGALURU, FOR THE OFFENCES PUNISHABLE UNDER SECTION 318(4) OF BNS AND SECTION 66(d) OF THE INFORMATION TECHNOLOGY ACT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

The accused/petitioner, who is apprehending arrest in Crime No.98/2025 registered by the DK CEN Crime Police Station for the offence punishable under Section 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 66(D) of the Information Technology Act, 2008, is before this Court in this petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita Act, 2023 seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.98/2025 was registered by DK CEN Crime Police Station for the aforesaid offences against unknown persons based on the first information dated 02.12.2025 received from Hrishikesha Bhat S, who is the alleged victim in the present case. Apprehending

arrest in the said case, the petitioner had filed Crl.Misc.No.5043/2026 before the jurisdictional Sessions Court, which was rejected on 24.02.2026. Therefore, the petitioner is before this Court.

4. Perusal of the material on record would go to show that during the course of investigation, an enquiry notice was issued to the petitioner by the Investigating Officer of the present case. It is not in dispute that the petitioner had thereafter appeared before the Investigating Officer and he has co-operated for the purpose of investigation.

5. The Hon'ble Supreme Court in the case of ***Siddharam Satlingappa Mhetre vs. State of Maharashtra and Others*** - ***(2011) 1 SCC 694*** in paragraph Nos.89 and 90, has observed as follows:-

> *"89. It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion must be exercised on the basis of the available material and the facts of the*

particular case. In cases where the court is of the considered view that the accused has joined investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided.

90. A great ignominy, humiliation and disgrace is attached to the arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage."

6. Undisputedly, the petitioner has no other criminal antecedents. The alleged offences are triable by the Court of Magistrate and the maximum punishment for the said offences is imprisonment for a period of seven years. The petitioner has undertaken to co-operate with the police for the purpose of further investigation in the matter. Under the circumstances, the petitioner has made out a case for grant of anticipatory bail. Accordingly, the following:

ORDER

The Criminal Petition is ***allowed.***

The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.98/2025 registered by the DK CEN Crime Police Station for the offence punishable under Section 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 66(D) of the Information Technology Act, 2008 subject to the following conditions:

1. The petitioner shall appear before the Investigating Officer in the present case within fifteen days from the date of this order on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the likesum to the satisfaction of the investigating officer/jurisdictional Court.

2. The petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. The petitioner shall not tamper with the prosecution witness and he shall co-operate

with the Police for investigation and appear before them whenever called upon.

4. The petitioner shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

NBM
List No.: 1 Sl No.: 48