



CNR: KAHC010415102026

NC: 2026:KHC:46940
CRL.P No. 8806 of 2026
C/W CRL.P No. 8751 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 8806 OF 2026

C/W

CRIMINAL PETITION NO. 8751 OF 2026

IN CRL.P No. 8806/2026

BETWEEN:

VEERASHIVA MOHAN P,
S/O BALASIDDAIAH P,
AGED ABOUT 22 YEARS,
R/AT NO. 745, RAJAKUMAR ROAD,
SATHAGALLI LAYOUT,
SHAKTHI NAGAR, UDAYAGIRI,
MYSURU - 570 019.

...PETITIONER

(BY SRI RAJU C.N, ADVOCATE)

AND:

1. STATE BY UDAYAGIRI POLICE,
MYSURU, SHO,
REP. BY SPP, HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.
2. SURYA V,
S/O VENKATESHA,
AGED ABOUT 27 YEARS,

Digitally signed
by RAKESH S
HARILAL
Location: High
Court of
Karnataka,
Dharwad Bench



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D. NO. 1363, 2ND CROSS,
RENUKADEVI BLOCK,
K.N.PURA, MYSURU-570 001.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1;

SRI KARIAPPA N.A, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS) TO SET ASIDE THE ORDER PASSED BY THE VI ADDL. DISTRICT AND SPECIAL JUDGE, MYSORE IN CRL.MISC.NO.1614/2025 DATED 10.04.2026 ARISING OUT OF CR.NO.215/2025 UDAYA GIRI P.S., MYSORE, FOR THE OFFENCES P/U/S 118(1), 118(2), 126(2), 351(2), 3(5) OF BNS, 2023, BY ALLOWING THIS PETITION.

IN CRL.P NO. 8751/2026

BETWEEN:

MANOJ B,
S/O BALAKRISHNA L,
AGED ABOUT 21 YEARS,
R/AT NO.86, GIRIYABOVI PALYA,
MYSURU-570 011.

...PETITIONER

(BY SRI RAJU C N, ADVOCATE)

AND:

1. STATE BY UDAYAGIRI POLICE,
MYSURU, SHO, REP. BY SPP,
HIGH COURT OF KARNATAKA,
BANGALORE-560001.
2. SURYA. V,
S/O VENKATESHA,



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AGED ABOUT 27 YEARS,
D NO.1363, 2ND CROSS,
RENUKADEVI BLOCK,
K.N.PURA MYSURU-570001.

...RESPONDENTS

(BY SMT. RASHMI PATEL, HCGP FOR R-1;

SRI KARIAPPA N.A, ADVOCATE FOR R-2)

THIS CRL.P IS FILED U/S 482 CR.P.C (U/S 528 BNSS)
TO SET ASIDE THE ORDER PASSED BY THE VITH ADDL.
DISTRICT AND SPECIAL JUDGE, MYSORE IN
CRL.MISC.NO.1807/2025 DATED 06.05.2026 ARISING OUT
OF CR.NO.215/2025 OF UDAYA GIRI P.S., MYSORE, FOR
THE OFFENCES P/U/S 118(1),118(2),126(2),351(2),3(5)
OF BNS, 2023, BY ALLOWING THIS PETITION.

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

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioners - accused Nos.4 and 5 are knocking at the doors of this Court calling in question orders dated 10.04.2026 and 06.05.2026 passed by the Additional District and Special Judge, Mysuru, in Crl.Misc.Nos.1614/2025 and 1807/2025 respectively, cancelling the bail bond and surety furnished by the petitioners. Both petitions arise out of Crime No.215/2025, registered for the offences punishable under Sections 118(1),



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118(2), 126(2), 351(2) and 3(5) of the BNS, corresponding to Sections 324, 326, 341 and 506 read with 34 of the earlier regime, the IPC.

2. Heard Sri Raju C.N., learned counsel for the petitioners, Smt. Rashmi Patel, learned High Court Government Pleader for respondent No.1 and Sri Kariappa N.A., learned counsel for respondent No.2 in both the petitions.

3. Facts, in brief, germane are as follows:

The issue in the lis is not with regard to the merit of the matter. The petitioners were initially enlarged on bail in Crl.Misc.Nos.1614 and 1807 of 2025, in terms of the orders dated 04.11.2025 and 06.12.2025, respectively. Cancellation of the said bail is sought at the hands of the prosecution, on the score that the petitioners were not cooperating with the investigation, as they stood absconding without any appearance. It is the contention of the prosecution that the petitioners were afforded opportunity of filing objections to the applications seeking cancellation of bail; despite grant of a plethora of opportunities, the petitioners did not file any



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objections thereto. The concerned Court, solely on the score that the petitioners - accused had not filed objections to the applications seeking cancellation of the bail granted to them on 04.11.2025 and 06.12.2025 respectively, allows the applications of the prosecution, in terms of the orders impugned. It is these orders that have driven the petitioners to this Court in the subject petitions.

4. Learned counsel appearing for the petitioners submits that the petitioners were not absconding. He would place reliance upon the Aadhaar cards issued to the petitioners to demonstrate that they were residing at the very same addresses, and would contend that the petitioners are deliberately shown as absconding by the prosecution, on the strength of which the applications came to be filed.

5. *Per contra*, learned counsel for the complainant would seek to defend the orders of the concerned Court, contending that despite grant of several opportunities, the petitioners had not appeared before the Court, and would submit that the cancellation of bail is valid in the eye of law.



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6. Learned High Court Government Pleader would also toe the lines of the learned counsel appearing for respondent No.2 - complainant and seeks dismissal of the petition.

7. I have given my anxious consideration to the submissions made by the respective learned counsel for the parties and have perused the material on record.

8. The issue in the *lis* lies in a narrow compass as to whether the orders of the concerned Court are sustainable in law or otherwise

9. The order dated 10.04.2026 passed in Crl.Misc.No.1614/2025 reads as follows:

"XXXX

3. I have heard the learned Public Prosecutor on the said application and perused the entire record. In the facts and circumstances of the case, the following point arises for consideration:

Point: Whether the Prosecution has made out the sufficient and satisfactory grounds to cancel the anticipatory bail granted to the petitioner ?

4. The point under consideration is answered in the **Affirmative** for the following:



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REASONS

5. As could be seen from the contentions urged in the application in question, the Investigation Officer has contended that, after obtaining the anticipatory bail, the petitioner has failed to appear before the Investigation Officer to cooperate for the investigation, due to which the I.O. is unable to conduct effective investigation in the case. The said allegations made in the application in question is not disputed by the petitioner, since despite granting sufficient opportunity to the petitioner to file objections to the application in question, the petitioner failed to file objections to the said application. There are no reasons to disbelieve the allegations made in the application filed by the Investigation Officer that after obtaining anticipatory bail, the petitioner failed to cooperate with the investigation, thereby he has violated conditions imposed in the anticipatory bail order. Therefore, I am of the view that, the prosecution has made out sufficient and satisfactory grounds to cancel the anticipatory bail granted to the Petitioner. Accordingly, I answer the point under consideration in the **Affirmative** and proceed to pass the following:

ORDER

The application filed by the PSI of Udayagiri Police Station, Mysuru seeking cancellation of anticipatory bail granted to Petitioner on 4.11.2025 is allowed and the anticipatory bail granted to the Petitioner is canceled."

[Dayananda V Hiremath]
VI Addl District & Special Judge,
Mysuru"

(Emphasis added)



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An identical order is challenged in the companion petition - Crl.P.No.8751/2026. Therefore, iteration is not required.

10. A perusal at the reasons afore-quoted would indicate that the solitary circumstance that weighed with the concerned Court to cancel the bail granted in favour of the petitioners is that the petitioners were shown as absconding by the prosecution, had not cooperated in the investigation, and had not filed objections to the applications seeking cancellation of bail.

11. Learned counsel for the petitioners would submit that prior to cancellation of bail, no opportunity was granted to the petitioners to make their submissions or file their objections.

12. The issue need not detain this Court for long or delve deep into the matter. The order cancelling the bail granted in favour of the petitioners, without following the due process of law, is unsustainable, inasmuch as it is now a well settled principle of law that bail once granted, and the bond and surety furnished pursuant thereto which formed the very



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basis for setting the accused at liberty, cannot be cancelled without following due process of law.

12.1 The Apex Court in the case of **P.K. SHAJI v. STATE OF KERALA**¹, has held as follows:

" "

3. Subsequently to the passing of the bail order, the appellant herein executed bail bonds before the Magistrate and was released on bail. The investigating officer filed a report before the learned Magistrate alleging that the appellant herein did not comply with the conditions as he had failed to report before the investigating officer on all Mondays and Fridays. Pursuant to this report, the learned Magistrate issued a notice and the learned counsel entered appearance and submitted that the appellant apprehended assault at the hands of the police and, therefore, he did not report before the investigating officer. The learned Magistrate was not satisfied with the explanation given by the learned counsel for the appellant and he cancelled the bail granted to the appellant. Aggrieved by the same, the appellant preferred a revision before the High Court and the same was dismissed by the impugned order.

4. It is contended by the appellant's learned counsel that in cases where bail is granted by the court in bailable offences under Section 436 CrPC, the very same court is given power to cancel the bail if the conditions of the bail bond, as regards the time and place of attendance, are not complied with; so also when bail is granted by a court other than the High Court or the Sessions Court for non-bailable offences under Section 437 CrPC. Under sub-section (5) of Section 437 CrPC,

¹ 2005 SCC OnLine SC 1573



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the court is given power to cancel the bail and direct that the person released on bail be arrested and committed to custody.

5. In the instant case, the bail was granted by the Sessions Court under Section 439 CrPC. Sub-section (2) of Section 439 CrPC specifically says that a High Court or the Sessions Court may direct that any person who has been released on bail be arrested and committed to custody. The power of the High Court or the Sessions Court under sub-section (2) of Section 439 CrPC is very wide and it specifically says that the Sessions Court or the High Court has got power to cancel the bail granted by any of the subordinate courts under Chapter 33 of the Criminal Procedure Code.

6. The plea of the appellant's learned counsel is that if the Sessions Court had granted bail, the order of cancellation of such bail should also have been passed by the Sessions Court or by any superior court and not by the learned Magistrate who is not empowered to cancel it. As a general proposition, the plea raised by the appellant is correct. **It is equally true that the accused who is on bail, should be heard before an order of cancellation of bail is passed by the Court. This Court in Gurdev Singh v. State of Bihar [(2005) 13 SCC 286 : AIR 2000 SC 3556 (1) : (2004) 4 Crimes 103] held that the accused must be given notice and opportunity of hearing before the bail granted to him is cancelled."**

(Emphasis supplied)

It is trite law that once bail is granted and an accused is set at liberty, the same shall stand cancelled only in an exceptional circumstance, and that such cancellation cannot be ordered without hearing the accused, who is the beneficiary of the bail.



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In the light of the afore-quoted judgment, the rudimentary principle afore-mentioned is what has been given a go-by by the concerned Court, while passing the impugned orders, solely on the score that objections were not filed to the applications seeking cancellation of bail. Therefore, the petitions deserve to succeed.

13. For the aforesaid reasons, the following:

ORDER

- (i) The criminal petitions are allowed.
- (ii) The orders dated 10.04.2026 and 06.05.2026, passed by the VI Additional District and Special Judge, Mysuru, in CrI.Misc.Nos.1614/2025 and 1807/2025 respectively, stands quashed.
- (iii) The concerned Court shall now hear the petitioners - accused Nos.4 and 5 on the applications filed by the prosecution and pass necessary orders bearing in mind the observations made in the course of the order.



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(iv) No coercive steps be taken against the petitioners
by the State till the concerned Court passes an
order, as directed hereinabove.

Ordered accordingly.

Sd/-
(M.NAGAPRASANNA)
JUDGE

NVJ
List No.: 2 SI No.: 102