



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 07TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CRIMINAL PETITION NO.9065 OF 2025

BETWEEN:

1. SYED ASGAR
S/O SYED SARDAR,
AGED ABOUT 23 YEARS,
R/AT NO. AB 47, I CROSS,
TIPPU NAGAR, COTTONPET,
BENGALURU - 560018.

...PETITIONER

(BY SRI. K. SHYAMSUNDAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BYATARAYANAPURA POLICE STATION
BENGALURU - 560026,
REPRESENTED BY
GOVERNMENT PELADER,
HIGH COURT OF KARNATAKA
BENGALURU - 560001.

...RESPONDENT

(BY SMT. WAHEEDA M.M., HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438
CODE OF CRIMINAL PROCEDURE (482 BHARATIYA NAGARIK
SURAKSHA SANHITA - 2023), PRAYING TO DIRECT THE
LEARNED LX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE

Digitally
signed by
CHAYA S A
Location:
HIGH
COURT OF
KARNATAKA



(CCH-61), BENGALURU TO RELEASE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN S.C.NO.223/2020 (CRIME NO.233/2019) OF RESPONDENT BYATARAYANAPURA POLICE STATIONI, BENGALURU, REGISTERED FOR ALLEGED OFFENCE P/U/S 397 OF IPC, PENDING DISPOSAL OF THE ABOVE CASE.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard Sri. K. Shyamsundar, learned counsel for the petitioner and Smt. Waheeda M.M., learned HCGP for the respondent-State. Perused the records.

2. The petitioner is arraigned as accused No.2 In Crime No.233 of 2019 for the offence punishable under Section 397 of Indian Penal Code.

3. The present petition is filed under Section 438 of Cr.P.C. seeking anticipatory bail and also challenging the order dated 16.04.2025 passed in Crl. Misc. No.2065 of 2025 by the City Civil and Sessions



Judge, CCH-61, whereby the bail petition came to be dismissed.

4. It is contended by the learned counsel for the petitioner that the Trial Court has failed to appreciate that the alleged incident took place on 23.06.2019, whereas the FIR was registered/sent to the Court on 27.06.2019, indicating an unexplained delay. It is further submitted that the petitioner has neither inflicted any injury to the complainant nor committed theft of mobile phone and cash of Rs.700/. Therefore, the ingredients of serious offences are not attracted under Section 397 of Indian Penal Code and hence, he seeks interference of this Court by granting anticipatory bail.

5. Per contra, the learned High Court Government Pleader submits that the material on record discloses that grievous injuries were caused to



the victim. It is further submitted that the petitioner has been evading summons and warrants issued by the Trial Court for six years and has not cooperated with the investigation. Hence, he seeks dismissal of the petition.

6. In the light of the submissions made by both sides, this Court has carefully examined the averments made in the complaint, the charge-sheet material enclosed by the petitioner, and the findings recorded by the Trial Court, declined to grant anticipatory bail.

7. A perusal of the record indicates that despite issuance of summons and warrants, the petitioner has deliberately avoided to appear before the competent court for more than five years. Further, considering the nature and gravity of the offence alleged, this Court is of the view that if anticipatory



bail is granted, there is a likelihood of the petitioner interfering with the investigation or evading the process of law.

8. Therefore, this Court finds no grounds to interfere with the order passed by the Trial Court and that apart, no ground is made out for granting anticipatory bail in the light of the judgment of the Hon'ble Supreme Court in the case of ***Arnab Manoranjan Goswami vs. State of Maharashtra and others*** reported in ***AIR 2021 SC 1***. Accordingly, the Criminal Petition is hereby ***dismissed***.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 4