



CNR: KAHC010436192026

NC: 2026:KHC:37002
CRL.P No. 9360 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 20TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR
CRIMINAL PETITION NO. 9360 OF 2026

BETWEEN:

SUSHANTH RAJESH SALONKI,
S/O. RAJESH SALONKI,
AGED ABOUT 33 YEARS,
RESIDING AT NO.354, KONDVA KHURD,
OPP. BHARAVANATHA MANDIR,
PUNE DISTRICT,
MAHARASHTRA - 413 714.

...PETITIONER

(BY SMT. HALEEMA AMEEN, ADVOCATE)

AND:

THE STATE,
BY MANGALORE SOUTH POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
AMBEDKAR VEEDHI,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI S. JAVEED, HCGP)

 Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL, DISMISSED IN CRL.MISC.NO.1192/2025, BY III ADDITIONAL DISTRICT AND SESSIONS JUDGE, D.K. MANGALORE, (CRIME NO.171/2025 OF MANGALORE SOUTH POLICE STATION), REGISTERED FOR OFFENCES PUNISHABLE UNDER SECTIONS 137(2), 204, 310(2), 140(3) READ WITH SECTION 190 OF BNS, PENDING ON THE FILE OF JMFC (II COURT), MANGALORE, IN CC NO.4676/2025.



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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for petitioner-accused No.5
and learned High Court Government Pleader for
respondent-State.

2. The petitioner is accused No.5 in
C.C.No.4676/2025 pending before the JMFC II Court,
Mangaluru arising out of Crime No.171/2025 registered by
Mangaluru South Police Station, implicated for offences
punishable under Sections 137(2), 204, 310(2), 140(3)
read with Section 190 of B.N.S. 2023, is before this Court
under Section 439 of Cr.P.C. seeking regular bail.

3. It is the case of the prosecution that the
complainant is a jeweller from the State of Maharashtra
who carries on his jewellery business at Kanhangad in
Kasaragod District, Kerala. It is further stated that the
complainant used to purchase gold from jewellery shops,



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have it melted into ingots, transport the ingots to Mangaluru, exchange them for ready-made gold ornaments at jewellery shops in Mangaluru and thereafter, sell the ornaments through his business establishments.

3.1 It is further alleged that, on 13.08.2025, as was his usual practice, the complainant left his residence at about 5:20 a.m. carrying 350 grams of melted gold in his bag. He reached Mangaluru by train and was waiting for an autorickshaw near Kairali Hotel. At that time, a white Innova car allegedly stopped near him. Three persons got out of the vehicle, introduced themselves as Customs Officers and demanded that he accompany them to their office. It is alleged that they forcibly pushed him into the car, thereafter, the vehicle was driven away.

3.2 It is further alleged that the complainant screamed for help, upon which some members of the public gathered at the spot and questioned the persons who had intercepted him. It is alleged that the said



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persons pushed the bystanders aside, identified themselves as Customs Officers and stated that they were taking the complainant for enquiry.

3.3 It is further alleged in the complaint that there were six persons in the car. They allegedly searched the complainant for gold, snatched away his mobile phone and the bag containing the gold ingot and drove around Mangaluru City for some time before taking him to their higher Office.

3.4 It is further alleged that, despite the complainant pleading that he was not in possession of any illegally acquired bullion and that he was carrying on his business in accordance with law, the persons in the vehicle drove him towards Kumta. It is alleged that they removed two SIM cards from his mobile phone and eventually dropped him at a place called Antravalli. From there, the complainant is stated to have obtained a lift from a passer-by on a motorcycle, reached Kumta and thereafter,



returned to Mangaluru, where he lodged a complaint, which came to be registered in Crime No.68/2025. The petitioner was arrested on 19.08.2025 and has since been remanded to judicial custody.

3.5 The petitioner had earlier preferred a bail petition before the Sessions Court in Crl.Misc.No.1192/2025 along with the other accused. The said bail petition came to be dismissed. Aggrieved by the said order, the petitioner-accused No.5 is before this Court seeking enlargement on bail. The petitioner is presently in judicial custody.

4. It is the contention of the learned counsel for petitioner-accused No.5 that the petitioner has been falsely implicated in the case and has not committed any offence, much less the offences alleged by the prosecution. It is contended that there is no material on record to *prima facie* establish the commission of the alleged offences under the Bharatiya Nyaya Sanhita. It is further contended that the arrest of the petitioner and the



other accused is stated to have been based solely on CCTV footage. According to the petitioner, the investigation has been completed, no recovery has been effected at his instance and therefore, he is entitled to be enlarged on bail.

4.1 It is submitted by the learned counsel for petitioner-accused No.5 that accused No.2 had furnished information regarding the complainant carrying gold ingots to Mangaluru. It is also submitted that accused No.2 has already been enlarged on bail. The only allegation against the present petitioner is that he had stayed in the lodge along with accused Nos.1, 3, 4, 6 and 7 on the date of the alleged incident.

4.2 Learned counsel for petitioner-accused No.5 contends that accused Nos.1, 2, 3 and 4 have already been enlarged on bail. It is further contended by the learned counsel that, though the petitioner is a native of Maharashtra, he has deep roots in Mangaluru. It is



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submitted that he has relatives residing in Mangaluru and is carrying on business in the port area of the city.

4.3 It is further contended by the learned counsel for petitioner-accused No.5 that there are no overt acts or specific allegations attributed to the petitioner. It is further contended that, except for the submission of the learned High Court Government Pleader that the petitioner has criminal antecedents, no material has been placed on record to substantiate the said contention. According to the learned counsel, the petitioner has no criminal antecedents and has not violated any of the conditions imposed upon him.

4.4 It is further contended by the learned counsel that the petitioner has no criminal antecedents, he is a law-abiding citizen and undertakes to strictly abide by any conditions that may be imposed by this Court. It is further contended that the petitioner is no longer required for custodial interrogation, the investigation has already been



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completed and no recovery has been effected at his instance. It is also contended that there is no likelihood of the petitioner tampering with the prosecution evidence or influencing the witnesses. On these grounds, learned counsel for petitioner-accused No.5 seeks enlargement of the petitioner on bail.

5. *Per contra*, Sri S.Javeed, learned High Court Government Pleader for respondent-State contended that the petitioner is involved in the alleged offences and draws the attention of the Court to the statements recorded during the course of investigation and the charge sheet. It is further contended that the petitioner has criminal antecedents and that several criminal cases are registered against him in the State of Maharashtra. It is also contended that the offences alleged are punishable with imprisonment extending up to ten years. Therefore, if the petitioner is enlarged on bail, there is every likelihood of his tampering with the prosecution evidence or influencing



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the prosecution witnesses, which would be detrimental to the prosecution case as well as the interests of the complainant. On these grounds, learned High Court Government Pleader seeks dismissal of the petition.

6. It is seen that accused Nos.1, 2, 3 and 4 have already been enlarged on bail. The offences alleged are not punishable with death or imprisonment for life. A perusal of the charge sheet does not disclose any specific overt act attributed to the present petitioner. It is also not in dispute that no recovery has been effected from the petitioner. Therefore, this Court is of the considered opinion that the petitioner can be enlarged on bail by imposing stringent conditions. Such an order would be in the interest of justice, having regard to the settled principle that '*bail is the rule and jail is an exception*', as consistently held by the Hon'ble Apex Court in a catena of decisions.



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7. It is also pertinent to note that accused Nos.1, 2, 3 and 4 have already been enlarged on bail, while accused Nos.6 and 7 are yet to be apprehended by the prosecution. In the facts and circumstances of the case, this Court does not find any legal impediment to enlarge the petitioner on bail.

8. Accordingly, while imposing stringent conditions, I pass the following:

ORDER

- i. The petition is ***allowed***. ;
- ii. The petitioner-accused No.5 is directed to be enlarged on bail in Crime No.171/2025 of Mangaluru South Police Station registered for the offences punishable under Sections 137(2), 204, 310(2), 140(3) read with Section 190 of B.N.S. 2023 subject to the following conditions:
 - a) The petitioners-accused No.5 shall execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with surety for the



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likesum, to the satisfaction of the jurisdictional trial Court;

- b) As the petitioner-accused No.5 is a resident of the State of Maharashtra, he shall not abscond and shall make himself available before the trial Court as and when required;
- c) The petitioner-accused No.5 shall furnish his address proof in Maharashtra and in Mangaluru;
- d) The petitioner-accused No.5 shall not leave the jurisdiction of the Country without prior permission of the Court;
- e) The petitioner-accused No.5 shall strictly comply all the conditions imposed by this Court;
- f) In the event of violation of any of the conditions, the respondent-State shall be at liberty to seek cancellation of the bail granted to the petitioner-accused No.5.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN\List No.: 1 SI No.: 1