



CNR: KAHC010457012026

NC: 2026:KHC:37237
CRL.P No. 9823 of 2026
C/W CRL.P No. 9825 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 9823 OF 2026

C/W

CRIMINAL PETITION NO. 9825 OF 2026

IN CRL.P No. 9823/2026:

BETWEEN:

ABOObAKKAR SIDDIQ
S/O ISMAIL
AGED ABOUT 28 YEARS
R/AT H NO.2 -198 ABDUL MAZIL
BADA VILLAGE, UCHAILA, UDUPI TALUK
UDUPI DISTRICT - 574 117.

...PETITIONER

(BY SRI NISHIT KUMAR SHETTY, ADV.)

AND:

STATE OF KARNATAKA BY
MULKI POLICE STATION
MANAGALURU, REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SRI VINAY MAHADEVIAIAH, HCGP)

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) CR.P.C
PRAYING TO ENLARGE THE PETITIONER ON REGULAR BAIL IN
S.C.NO.47/2021 (CRIME NO.38/2020) OF MULKI POLICE STATION
REGISTERED AGAINST HIM FOR THE OFFENCE P/US/
143,147,148,114,109,120-B,341,307,302 R/W SEC.149 OF IPC
PENDING ON THE FILE OF VI ADDL DISTRICT AND SESSIONS
JUDGE, D.K, MANGALURU.

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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IN CRL.P NO. 9825/2026:

BETWEEN:

RIYAZ M.H @ NISAR
S/O HAMZA
AGED ABOUT 40 YEARS
R/AT H. NO.11-65A, DARGA ROAD
BAPPANADU VILLAGE, MULKI
MANGALORE TALUK, D.K. DISTRICT - 574 154
(THE PETITIONER IS IN JUDICIAL CUSTODY)

...PETITIONER

(BY SRI. NISHIT KUMAR SHETTY.,ADVOCATE)

AND:

STATE OF KARNATAKA BY
MULKI POLICE STATION, MANGALURU
REPRESENTED BY STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. .,ADVOCATE)

CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS) BY THE
ADVOCATE FOR THE PETITIONER PRAYING THAT THIS
HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE
PETITIONER ON REGULAR BAIL IN S.C.NO.47/2021 (CRIME
NO.38/2020) OF MULKI POLICE STATION REGISTERED AGAINST
HIM FOR THE OFFENCES P/U/S 143, 147, 148, 114, 109, 120(B),
341, 307, 302 R/W SEC.149 OF IPC, PENDING ON THE FILE VI
ADDL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused nos.4 & 5 in S.C.No.47/2021 pending before the
Court of VI Addl. District & Sessions Judge, D.K., Mangaluru,



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arising out of Crime No.38/2020 registered by Mulki Police Station, Mangaluru, for the offences punishable under Sections 143, 147, 148, 114, 109, 120B, 341, 307, 302 read with 149 IPC, are before this Court in these two petitions filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned Counsel for the parties.

3. Learned Counsel for the petitioners submits that accused nos.4 & 5 have been arrested in the present case on 06.06.2020 and for the last six years, they are in custody. He submits that accused nos.1, 2, 3, 6, 7, 9 & 10 have been granted regular bail by this Court on the ground of delay in trial. Therefore, he prays that even the petitioners prayer for regular bail may be considered on the same ground.

4. Per contra, learned HCGP who has opposed the petition does not dispute the submission made by the learned Counsel for the petitioners.

5. A perusal of the charge sheet allegations would go to show that accused No.1 had conspired with accused Nos.2 to



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10 to commit the murder of deceased Abdul Lathif, CW2 and CW3. In furtherance of said conspiracy, on 05.06.2020, accused Nos.2 to 10 had followed CW2 to 4, who were traveling in a car bearing registration No.MH-06-AB-7677 and at about 04.05 p.m., accused Nos.2 to 10 allegedly intercepted the car in which CW2 to 4 were traveling and thereafter, assaulted them. At that time, Abdul Lathif also came to the spot and accused No.6 allegedly pushed him and all the other accused persons chased Abdul Lathif and assaulted him with deadly weapons and committed his murder. In the alleged incident, CW2 and CW3 also had suffered grievous injuries. In the charge sheet, allegation of assaulting Abdul Lathif, CW2 and CW3 is found as against accused Nos.2 to 10.

6. Out of 78 charge sheet witnesses cited in the present case, till date only 22 charge sheet witnesses have been examined as PW1 to PW22. It is not in dispute that all the material charge sheet witnesses including injured eye witnesses have been already examined before the Trial Court as on this date. Accused No.1 was granted regular bail by this Court in Crl.P.No.12761/2024. The Co-ordinate Bench of this Court



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thereafter had granted regular bail to accused No.6 in Crl.P.No.7507/2025. This Court has granted regular bail to accused Nos.9 and 10 in Crl.P.No.13709/2024 disposed of on 05.06.2025. Undisputedly, petitioners herein have no other criminal antecedents and they are in custody for the last more than six years. Since accused Nos.6, 9 and 10 as against whom similar allegations are found in the charge sheet have already been granted regular bail, the petitioner is also entitled for similar relief on the ground of parity.

7. In addition to the same, the material on record would go to show that out of the 78 charge sheet witnesses cited in the present case, till date only 22 charge sheet witnesses have been examined.

8. The Hon'ble Supreme Court in case of **Javed Gulam Nabi Shaik Vs Sate of Maharashtra and Another** reported in **2024 SCC Online SC 1693** in paragraph No.19 has observed as follows;

"19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the



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Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime."

9. Since material charge sheet witnesses, including the alleged eye witnesses, have been already examined before the Trial Court, there cannot be any apprehension that petitioners may tamper with the material charge sheet witnesses. Under the circumstances, I am of the view that without expressing any opinion on merits and demerits of the case, the prayer made by the petitioners' for grant of regular bail needs to be answered affirmatively considering the period of their incarceration. Accordingly, the following order:-

10. The petitions are allowed. The petitioners are directed to be enlarged on bail in S.C.No.47/2021 pending before the Court of VI Addl. District and Sessions Judge, D.K., Mangaluru arising out of Crime No.38/2020 registered by the Mulki Police Station, Mangaluru, for the offences punishable under Sections 143, 147, 148, 114, 109, 120B, 341, 307, 302 read with Section 149 of IPC, subject to the following conditions:



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- a) Petitioners shall execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;
- c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioners shall not involve in similar offences in future;
- e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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