



CNR: KAHC010460542026

NC: 2026:KHC:51363
CRL.P No. 9986 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 9986 OF 2026

BETWEEN:

MUZAMIL PASHA @ MUDASIR
S/O BASHA SAB,
AGED BOUT 32 YEARS,
R/AT POOLBAG MASIDI ROAD,
POOLBAG, RAMANAGARA TOWN,
BENGALURU SOUTH DISTRICT.

...PETITIONER

(BY SRI. A.N. RADHA KRISHNA, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY RAMANAGARA TOWN POLICE,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.P.C (U/S 483 BNSS)
PRAYING TO ENLARGE HIM ON BAIL IN SC.NO.37/2021,
PENDING BEFORE THE LEARNED III ADDL. DISTRICT AND
SESSIONS JUDGE, RAMANAGARA, FOR THE OFFENCES P/U/S
302, 201, 364(A) OF IPC.

Digitally
signed by
ANNAPURNA
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Location:
High Court of
Karnataka





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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused in SC No.37 of 2021 pending before the Court of III Additional District and Sessions Judge, Ramanagara, arising out of Crime No.95 of 2020 registered by Ramanagara Police Station, Ramanagara for the offences punishable under Section 302, 201, 364(A) of IPC, 1860, is before this Court in this successive bail application filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.95 of 2020 registered by Ramanagara Police Station, Ramanagara for the offence punishable under Section 363 of IPC, 1860 against unknown persons, based on the first information dated 15.09.2020 received from Almas Begam, foster mother of deceased boy Dayan Khan. In the said case, the petitioner



was arrested on 21.09.2020 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.56 of 2026 was rejected on 30.04.2026. Therefore, he had earlier approached before this Court in Crl.P.No.8395 of 2023 and Crl.P.No.8537 of 2025 which were rejected by this Court. It is under these circumstances, he is before this Court in this successive bail application.

4. FIR in the present case was registered against unknown person for offence punishable under Section 363 of IPC after the deceased boy-Dayan Khan was found missing. Efforts made to trace him had failed and it is under these circumstances, his foster mother had approached the police. During the course of investigation, the petitioner was arrested on 21.09.2020 and remanded to judicial custody. After completing investigation, charge sheet is filed against him for the aforesaid offences.



5. As per the charge sheet allegations, the petitioner who was working as a Mechanic was addicted to various vices and for the purpose of meeting the expenses of his vices, he decided to kidnap Dayan Khan and demand ransom money from his parents. Accordingly, on 14.09.2020, he had kidnapped 4 year old Dayan Khan and had taken him on his motorbike. Subsequently, he had committed his murder by strangulating his neck and had disposed of his body under a bridge within the jurisdiction of Ramanagar Town Police Station. The entire case of the prosecution is based on the circumstantial evidence.

6. Petitioner who has no other criminal antecedents is in custody for the last more than 6 years. Out of the 32 charge sheet witnesses cited in the present case, as on this date only 5 charge sheet witnesses are examined as PW.1 to PW.5.

7. In the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another - 2024 SCC OnLine***



SC 1693 at paragraph No.19, the Hon'ble Supreme Court 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 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".

8. Considering the nature of allegations found against the petitioner and also the period of his incarceration, I am of the view that, without expressing any opinion on the merits and demerits of the case, petitioner's prayer for grant of regular bail needs to be allowed, subject to appropriate conditions. Accordingly, the following:

ORDER

- (i) The Criminal Petition is allowed.



(ii) The petitioner is directed to be enlarged on bail in SC No.37 of 2021 pending before the Court of III Additional District and Sessions Judge, Ramanagara, arising out of Crime No.95 of 2020 registered by Ramanagara Police Station, Ramanagara for the offences punishable under Section 302, 201, 364(A) of IPC, 1860, subject to the following conditions:

- a) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;
- b) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;
- c) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;
- d) The petitioner shall not involve in similar offences in future;



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e) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 11