



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 10251 OF 2025

BETWEEN:

STATE OF KARNATAKA,
BY MANGALURU RURAL POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, BENGALURU-560001.

...PETITIONER

(BY SRI RANGASWAMY R, HCGP)

AND:

1. MR RAHUL,
S/O RAMESH POOJARY,
R/A NO. 3-18-1158/4,
NEAR PADAVU SCHOOL, KADRI,
MANGALURU-575 004,
IN CRL.MISC.NO.394/2025.
2. MR. K. SUSHANTH,
S/O UMESH AMIN,
AGED ABOUT 26 YEARS,
R/A MAHALAKSHMI NIVASA,
KUDUPU KATTE, NEAR KUDUPU SCHOOL,
THIRUVAIL, KUDUPU VILLAGE AND POST,
D.K. DISTRICT-575 028.

...RESPONDENTS

THIS CRL.P IS FILED U/S 439(2) CR.P.C (U/S 483(3) BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO a) ALLOW THIS PETITION. b) CANCEL THE BAIL ORDER DTD 31.05.2025 PASSED IN CRL.MISC.NO.394/2025 AND CRL.MISC.NO.395/2025, ON THE FILE OF II ADDL. DISTRICT AND SESSIONS JUDGE, D.K., MANGALURU, FOR THE

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by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA



OFFENCES P/U/S 103(2),115(2),189(2),191(1),191(3),240
R/W 190 OF BNS. c) DIRECT THE RESPONDENTS/ACCUSED
NOS.10 AND 20 BE ARRESTED AND COMMITTED TO CUSTODY.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

This petition is filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) to cancel the bail
granted in Criminal Miscellaneous Nos.394/2025 and
395/2025.

2. In terms of the said order dated 31.05.2025,
the learned Sessions Judge, Mangaluru has granted bail to
the respondents No.1 and 2 who are accused Nos.10 and
20 in proceedings before the learned District Judge in S.C.
No.115/2025 and which is pending for trial before the
learned Sessions Judge.

3. The offence alleged against the respondents is
under Sections 103(2), 115(2), 189(2), 190, 191(1),
191(3), and 240 of Bharatiya Nyaya Sanhita, 2023.



Respondent No.1 was arrested on 29.04.2025 and respondent No.2 was arrested on 30.04.2025.

4. The admitted factual position is that when the complaint is filed, the respondents were not arrayed as accused. It is stated that they were also involved in the incident which occurred on 27.04.2025 at 03.00 p.m. The prosecution states that, the deceased was supporting Pakistan in a cricket match and a group of persons including accused No.10 and 20 went and assaulted the deceased and the deceased Mr. Ashraf died on account of grievous injuries sustained on the same evening.

5. Learned High Court Government Pleader would submit that, though the complainant has not named accused Nos.10 and 20, the materials placed along with the charge sheet would indicate that accused No.10 and 20 are also involved in the crime. In case, said accused are released on bail, there is every possibility of respondents No.1 and 2 not co-operating with the trial and



they may also threaten the witnesses to be examined on behalf of prosecution. Thus, would urge that the learned Sessions Judge is not justified in granting the bail to accused No.10 and 20.

6. It is further submitted that accused Nos.10 and 20, are the members of different Hindu organizations and they are capable of threatening witnesses to be examined on behalf of the prosecution.

7. The Court has considered the contentions raised at the Bar and perused the records.

8. Admittedly, when the complaint is filed, the accused No.10 and 20 are not named in the complaint. It is only during the investigation, the prosecution has arrayed accused No.10 and 20 as the persons involved in the incident. The averments in the complaint do not indicate that the alleged incident took place on account of the pre-organized plan on the part of the accused.



9. The records would indicate that a cricket match was held on 27.04.2025 and the deceased Mr. Ashraf who was standing near the ground was supporting Pakistan and it is alleged that the group of people who were there to watch the cricket match assaulted the deceased after chasing him.

10. It is further stated that, deceased was assaulted with sticks and died on the same day in the evening.

11. The contents of the complaint which is lodged by the police would indicate that it is not a pre-planned assault.

12. On a specific question by the Court as to, whether the accused No.10 and 20 are cooperating for the trial, learned High Court Government Pleader would submit that there is no violation of terms and conditions of bail.



13. This being the position, the Court is of the view that there is no error in the order passed by the learned Sessions Judge in granting the bail.

14. No case is made out to recall the said order of arrest, petition is ***dismissed.***

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

CHS
List No.: 2 Sl No.: 1