



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. 10311 OF 2025

BETWEEN:

SHUWA MAHALI
S/O. LATE PAGAL CHAND, AGED ABOUT 27 YEARS,

PRESENT ADDRESS AT:
R/AT SONAR BANGA HOTEL, 5TH BLOCK,
KORAMANGALA, BENGALURU CITY- 560.

PERMANENT ADDRESS:
HARAVA GRAMA, BAPTALA POST,
KHASA BALANDA, NORTH 24,
PARAGANA DISTRICT, WEST BENGAL- 749 682,
(IN JUDICIAL CUSTODY).

...PETITIONER

(BY SRI KIRAN S S, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY KORAMANGALA POLICE STATION,
BENGALURU CITY,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT PREMISES, BANGALORE-01.
2. SMT. GULSHAN SHEIK,
W/O. SHERAJ, R/AT NO 1/09, A K COLONY,
KORAMANGALA MAIN ROAD, ADUGODI,
BENGALURU-560 034.

...RESPONDENTS

(BY SRI RANGASWAMY R, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483
BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING

Digitally signed
by BELUR
RANGADHAMA
NANDINI
Location: HIGH
COURT OF
KARNATAKA



THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THEM ON BAIL IN CR.NO.37/2025 REGISTERED BY THE KORAMANGALA POLICE FOR O/P/US/ 75(2), 127(2), 70(1) OF BNS ACT 2023 WHICH IS NOW PENDING BEFORE THE LEARNED LIII ADDL.CITY CIVIL AND SESSIONS SPECIAL JUDGE, BENGALURU. THE LIII ADDL.CITY CIVIL AND SESSIONS SPECIAL JUDGE, BENGALURU HAS REJECTED THE BAIL PETITION ON 03.07.2025 IN CRL.MISC.NO.3925/2025.

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 seeking bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The crime is registered in Crime No. 37/2025 by Koramangala Police Station against the petitioner and three others for offences under Sections 75(2), 127(2) and 70(1) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The complaint is registered on 21.02.2025 and petitioner is arrested on same day i.e. 21.02.2025. The petitioner's bail application in Criminal Miscellaneous No.3925/2025 is rejected on 03.07.2025.



3. The prosecution alleges that the victim was around 33 years at the time of the incident.

4. The petitioner has urged that a false case has been foisted against him with an ulterior motive to harass and humiliate him. It is urged that even according to the averments made in the complaint, the petitioner has not committed any act which would fall under the ambit of Section 70 of BNS, 2023. It is also urged that no material is collected by the police which would implicate the petitioner. The call details register is also not collected in respect of petitioner's cell number. No offence is alleged under Section 67A of Information Technology Act, 2000, is the contention.

5. Learned counsel for the petitioner would contend that, though, there is an allegation that the petitioner has videographed the alleged incident, the contradictions in the statement made by the complainant in her complaint and her statement under Section 183 of



BNSS will create a doubt about the prosecution is the contention.

6. It is further submitted that, no external injury is found on the body of the complainant and the alleged case made out against the petitioner does not sound logical and probable. It is also urged that the documents attached along with the charge sheet do not support the case of the prosecution.

7. It is further urged that, the petitioner is ready to abide by all the terms and conditions to be imposed by the Court in the event of his release on bail and petitioner's fundamental right guaranteed under Article 21 of the Constitution of India is violated on account of detention. Since the investigation is over, there is no need for custodial interrogation and there is no need for detention and thus, it is urged that the petitioner be granted bail.

8. Learned HCGP would oppose the petition on the premise that the Forensic Lab Report would demonstrate



that the act is videographed in the cell phone of all the accused including the petitioner. Call details report would also indicate that accused no. 4/petitioner and accused no. 2 were in touch with each other on the date of the incident. The Forensic Lab Report would also justify the fact that the videograph is genuine and it is not morphed.

9. It is also submitted that, even though the petitioner has not indulged in actual act attracting Section 70 of the BNS, 2023, his presence at the place of incident would attract Section 70 of the BNS, 2023, as such, is not entitled to be released on bail.

10. It is submitted by the learned HCGP that the petitioner facilitated the act by providing the place in the hotel where he is working.

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

12. The petitioner is from West Bengal. The Forensic Lab Report would indicate that the videos and images recovered from the cell phone of the petitioner and



the other accused are genuine. In these circumstances, the Court is of the view that a reasonable case is made out by the prosecution to reject bail.

13. The charge sheet reveals that the DNA test conducted by the expert would indicate that the samples collected from the remaining accused match with the samples collected from the victim.

14. The Court is of the view that reasonable grounds are made out by the prosecution to believe that the accused is guilty of the offences alleged.

15. Under these circumstances, the petitioner is not entitled for grant of bail at this stage. Accordingly, the petition is ***dismissed***.

16. It is made clear that any observations made in this order are not a reflection on the merits of the case. Observations in this order are only confined to the present petition.



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17. The case has to be decided based on the evidence led by both parties.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

brn
List No.: 2 SI No.: 2