



CNR: KAHC010509462026

NC: 2026:KHC:55738
CRL.P No. 11148 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11148 OF 2026

BETWEEN:

YASIN KHAN
S/O JABIIULLA KHAN,
AGED ABOUT 34 YEARS,
PRESENT RESIDING AT
KAMBLIPURA VILLAGE, KENGERI HOBALI,
BENGALURU SOUTH - 560 074.
PERMANENT RESIDING AT
NEAR JAMIYA MADARASA, ISLAMPURA,
NELAMANGALA, BENGALURU - 562 132.

...PETITIONER

(BY SRI. GIRISH R, ADVOCATE)

AND:

STATE OF KARNATAKA
BY KUMBALAGODU PS
NOW REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483
BNNS) PRAYING TO PASS AN ORDER GRANTING BAIL THEREBY

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





CNR: KAHC010509462026

DIRECTING THE RESPONDENT KUMBALAGODU POLICE TO RELEASE THE PETITIONER/ ACCUSED IN S.C.NO.254/2023 IN CR.NO.154/2023 PENDING ON THE FILE OF HONBLE IX ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU FOR THE ALLEGED OFFENCE P/U/S 302, 201 OF IPC.

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 S.C.No.254/2023 pending before the Court of the IX Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru, arising out of Crime No.154/2023, registered by Kumbalagodu Police Station, Ramanagara for the offences punishable under Section 302 and 201 of IPC, 1860, is before this Court in this petition filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned counsel for the parties.



CNR: KAHC010509462026

3. FIR in Crime No.154/2023 was registered by Kumbalagodu Police Station, Ramanagara for the offences punishable under Section 302 of IPC, 1860 against the petitioner herein, based on the first information dated 21.04.2023 received from Tababssum, W/o. deceased Wasim Khan. In the said case, the petitioner was arrested on 22.04.2023 and remanded to judicial custody. After completing investigation, charge sheet is filed against the petitioner for the aforesaid offences. His bail application filed before the jurisdictional Sessions Court in S.C.No.254/2023 was rejected on 20.08.2025. Therefore, he is before this Court.

4. Deceased Wasim Khan was the elder brother of the petitioner. Material on record would go to show that the petitioner and his brother Wasim Khan, were together carrying on business in a shop. The allegation against the petitioner is that he was not working in the shop and was repeatedly asking his brother Wasim Khan for money. Since Wasim Khan had refused to pay money to the



CNR: KAHC010509462026

petitioner whenever he demanded, the petitioner had vengeance against his brother Wasim Khan. It is in this background, on 21.04.2023 at about 11:15 a.m., the petitioner allegedly had assaulted his brother Wasim Khan inside their shop with iron pipes and committed his murder. It is further alleged that, on the same evening, the petitioner had telephoned CW-4 to CW-7 and had confessed to them about the crime committed by him. It is under these circumstances the FIR was subsequently registered against the petitioner in the present case.

5. The entire case of the prosecution is based on circumstantial evidence. Except the present case, the petitioner has no other criminal antecedents. Out of the 46 charge sheet witnesses cited in the present case, only four charge sheet witnesses have been examined as on this date, as PW-1 to PW-4. Therefore, the chances of the trial being completed and the case being disposed of on merits in the near soon is very remote.



CNR: KAHC010509462026

6. In the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another - (2024) 9 SCC 813*** at paragraph No.17, the Hon'ble Supreme Court has observed as follows:

"17. 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".

7. The petitioner is a married man having family and he is in custody in the present case for the last nearly three years and six months. Considering the aforesaid aspects of the matter and more so the period of petitioner's incarceration, I am of the view that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively, without expressing any opinion on the merits and demerits of the case. Accordingly, the following:



CNR: KAHC010509462026

ORDER

i) The Criminal Petition is ***allowed***.

ii) The petitioner is directed to be enlarged on bail in S.C.No.254/2023 pending before the Court of the IX Additional District and Sessions Judge, Bengaluru Rural District, Bengaluru arising out of Crime No.154/2023 registered by Kumbalagodu Police Station, Ramanagara for the offences punishable under Section 302 and 201 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;



CNR: KAHC010509462026

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;

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

SHS
List No.: 1 Sl No.: 46