



CNR: KAHC010513282026

NC: 2026:KHC:48220
WP No. 23443 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 23443 OF 2026 (GM-POLICE)

BETWEEN:

M D MUSA
S/O MOHAMMED AHMED HUSSAIN,
AGED ABOUT 22 YEARS,
R/A VILL-KATRGOOL, ASALKANDI,
KARIMGANJ, ASSAM - 788723
(NOW IN CENTRAL PRISON BENGALURU)

...PETITIONER

(BY SRI. PRAJWAL P.,ADVOCATE)

AND:

1. THE SPECIAL EXECUTIVE MAGISTRATE AND
DEPUTY COMMISSIONER OF POLICE,
BENGALURU NORTH DIVISION,
HAVING OFFICE AT YESHWANTHPUR CIRCLE,
YESHWANTHPUR,
BENGALURU - 560012
2. THE STATION HOUSE OFFICER,
YESHWANTHPUR POLICE STATION,
YESHWANTHPUR,
BENGALURU - 560012
3. CHIEF SUPERINTENDENT OF PRISON,
CENTRAL PRISON,
PARAPPANA AGRAHARA - 560100

...RESPONDENTS

(BY SMT. SARITHA KULKARNI., AGA FOR R1 TO R3)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY WRIT OF LIKE NATURE TO QUASH THE ORDER PASSED UNDER SECTION 136 OF BNSS, 2026 DATED 08.05.2026 BY THE 1ST RESPONDENT/ THE SPECIAL EXECUTIVE MAGISTRATE AND DEPUTY COMMISSIONER OF POLICE, BENGALURU NORTH DIVISION IN PROCEEDINGS BEARING NO. CRM/MAG/185/2026/DCP(U)/BAM.NAGARA VIDE ANNEX-A AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

a. Issue a Writ of Certiorari or any writ of like nature to quash the order passed under section 136 of BNSS, 2026 dated 08.05.2026 by the 1st Respondent/ The Special Executive Magistrate and Deputy Commissioner of Police, Bengaluru North Division in proceedings bearing No. CRM/MAG/185/2026/DCP(U)/ BAM.NAGARA vide Annexure A

b. Issue a Writ of Certiorari or any writ of like nature to quash order passed under section 141(1)(a) of BNSS, 2026 dated 08.05.2026 by the 1st Respondent/1st Respondent/ The Special Executive Magistrate and Deputy Commissioner of Police, Bengaluru North Division in proceedings bearing No. CRM/MAG/185/2026/DCP(U)/ BAM.NAGARA Vide Annexure B

c. Pass any such other Orders as this Hon'ble Court Deems fit under the facts and Circumstances of the case.



2. The Special Executive Magistrate and Deputy Commissioner of Police, Bengaluru North Division, vide Order dated 8.05.2026 had directed the detention of the petitioner on account of suspicion that the petitioner may commit an offence since he was found at 3.30 a.m. by the beat constables and on enquiry, he was unable to provide any particular reason as to why he was found at the location at that time. The order dated 24.04.2026 which had been passed under Section 128 of the BNSS was calling upon the petitioner to furnish bond for ₹1,00,000/- and a surety.
3. The submission of the petitioner is that the petitioner is willing to execute personal bond, but is unable to provide a surety since he has no near and dear ones living with him here. It is in that view of the matter



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that the respondents had arrested the petitioner and he has been in custody from 24.04.2026.

4. Considering that the petitioner was only arrested on account of the petitioner not being able to furnish the bond and surety and now that the petitioner has come forward to furnish a bond, this Court is of the opinion that the petitioner having already been incarcerated for a period of four months, the identity, the address and other details of the petitioner having been ascertained and verified by the jurisdictional police authorities, the imposition of a condition which the petitioner apparently is unable to comply with for last four months would violate the right to life under Article 21 of the Constitution of India insofar as the petitioner is concerned. Hence this Court passes the following:

ORDER

- i. The writ petition is partly allowed.



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- ii. Respondents are directed to release the petitioner on the petitioner executing a bond for sum of ₹ 1,00,000/- and imposing such condition as regard the attendance of the petitioner to the jurisdictional police station and other antecedents thereon as the respondents may considered to be required.
- iii. The petitioner's submission that personal bond would be executed immediately is placed on record.
- iv. On the execution of the personal bond, respondents are directed to release the petitioner within two days thereafter by imposing such conditions as may be applicable.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

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List No.: 4 Sl No.: 4