



CNR: KAHC010536382026

NC: 2026:KHC:41752
WP No. 24347 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 24347 OF 2026 (GM-POLICE)

BETWEEN:

AFTAB PASHA @ AGU @ APPU @ AFTAP
S/O LATE MEHBOOB PASHA,
AGED ABOUT 21 YEARS,
R/AT #306, GROUND FLOOR,
1ST CROSS, 1ST MAIN ROAD,
ADURANNAYAPPA LAYOUT,
RAGHAVENDRANAGARA,
KALKERE RAMAMURTHYNAGARA,
BANGALORE-560016.

...PETITIONER

(BY SRI. MANJUNATH.M.R.,ADVOCATE FOR;
SMT. RESHMA D KAMAT., ADVOCATE.)

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT, HOME DEPARTMENT,
M.S. BUILDING, AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE SPECIAL EXECUTIVE MAGISTRATE
& DEPUTY COMMISSIONER OF POLICE,
BANGALORE CITY - 01.



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3. THE INSPECTOR OF POLICE
HEBBALA POLICE STATION,
BANGALORE CITY.

...RESPONDENTS

(BY SMT. SARITHA KULKARNI, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT
NO.2 TO CONSIDER SURETY OFFERED BY THE PETITIONER
AND HIS FAMILY INSTEAD OF GOVT OFFICIALS AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned Addl. Government Advocate accepts notice for respondents.
2. The petitioner is before this Court seeking for the following reliefs:

" 1. Issue a writ in the nature of mandamus or any other writ, to direct respondent No.2 to consider any other surety offered by the petitioner and his family instead of Government official.

2. Issue a writ of certiorari and to set aside the order passed by the 2nd respondent under section 130 BNSS-2023, bearing No.CRM/MAG/726/2025 DCP(N)/Bangalore City dated 10/11/2025 and 24/11/2025 at Annexures-C&D.



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3. Grant such other relief as this Hon'ble Court deems fit to grant in the circumstances of the case in the interest of justice and equity."

3. Respondent No.2 - Special Executive Magistrate and Deputy Commissioner of Police, Bengaluru, registered a case against the petitioner in PAR.No.31/2025 under Section 129(E and G) of BNSS, 2023 alleging that the petitioner was creating public nuisance in the jurisdiction of Hebbala Police Station limits, Bengaluru City and had called upon the petitioner to execute a personal bond of Rs.1,00,000/- and furnish one official surety for a period of one year. In furtherance, the petitioner was arrested on the very same day i.e., 10.11.2025. Though the petitioner was ready to execute a personal bond for a sum of Rs.1,00,000/-, the petitioner did not have access to or could not secure an official surety for a period of one year and therefore, the petitioner had orally requested the respondent to waive the requirement of an official surety contending that the petitioner will make available cash surety for a reasonable amount. The same not having been accepted by the respondent, the



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petitioner contends that the petitioner has been in custody from 10.11.2025 till now, due to his inability to make available an official surety.

4. The facts indicated *supra* only establish the sad State of affairs with the respondents. The petitioner was arrested only on account of a public nuisance on 10.11.2025. Though the same is a bailable offence and bail was fixed at Rs.1,00,000/- for a personal bond, but there was a further condition imposed for providing official surety for a period of one year.
5. In a country like ours, persons belonging to various structure of the society may not have access to a Government official to provide surety. Firstly the imposition of such a condition ought to be revisited by the respondents and not be imposed for sake of such imposition in all cases. The purpose of imposing such a condition is only to secure the presence of the accused in the proceedings at the later point of time and not to continue the incarceration of such a person by imposing a condition, which is incapable of being fulfilled.



6. In the present case, such a condition, as can be borne out has been incapable of being fulfilled from 10.11.2025, resulting in the petitioner being incarcerated for a period of nearly ten(10) months, which he ought not to have been only on the ground that an official surety had not been provided for the purpose of release of the petitioner.
7. Respondent No.1 is directed to look into these aspects and issue necessary directions to the concerned officers, keeping in view the ground realities of the society.
8. In that view of the matter, this Court passes the following:

ORDER

- i) The Writ Petition is ***allowed***.
- ii) A writ of mandamus is issued directing the respondents to release the petitioner upon the petitioner furnishing a cash surety for a sum of Rs.25,000/-, within one day of such cash surety being furnished.
- iii) It is needless to state that the cash surety to be returned to the petitioner after completion of one



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year period, if there is no further offence or violation of bail conditions committed by the petitioner.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

PHM
List No.: 1 Sl No.: 24