



CNR: KAHC010537332026

NC: 2026:KHC:44642
CRL.P No. 11817 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL PETITION NO. 11817 OF 2026

(439(Cr.PC) / 483(BNSS))

BETWEEN:

IRFAN
S/O ABSALI,
AGED ABOUT 31 YEARS,
RESIDING AT JANATHA COLONY,
KARAYA, KALLERI,
BELTHANGADI TALUK,
D.K-574 326.

...PETITIONER

(BY SRI. HALEEMA AMEEN.,ADVOCATE)

AND:

THE STATE
BY MANGALORE SOUTH POLICE STATION, REPRESENTED
BY STATE PUBLIC
PROSECUTOR,
HIGH COURT OF KARNATAKA,
AMBEDKAR VEEDHI,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. M.V. ANOOP KUMAR ADDL.SPP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CRIME
NO.147/2026 OF MANGALORE SOUTH POLICE STATION,
MANGALORE, REGISTERED FOR OFFENCE P/U/S 74, 75 AND 79 OF
BNS, PENDING ON THE FILE OF ON THE FILE OF JMFC, II COURT,
MANGALORE AND ETC.

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. This petition is filed by the accused-petitioner is filed seeking grant of regular bail in Crime No.147/2026 registered by the Mangalore South Police Station, D.K., Mangalore, for the offences under Sections 74, 75 and 79 of the BNS, 2023.
2. That upon a complaint dated 10.07.2026 filed before the respondent-Police alleging that the accused-petitioner herein on 09.07.2026 at about 05.00 p.m., while the complainant was boarding a KSRTC bus en-route to Dharmasthala from State Bank Bus Stand, Mangalore had repeatedly touched the complainant inappropriately on her back and when the complainant looked at the accused-petitioner, he had signaled her to sit along with him in the back seat of the said bus.
3. It is further alleged that upon carefully looking at the accused-petitioner, it was realized that the said person



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about two months ago, at the same time, in the same bus had sat next to the complainant and had misbehaved with the complainant, in a manner staring at her and holding his private parts. However, while she was videographing on her mobile phone the said incident, he ran away and that she did not inform about the said incident to anyone being afraid of the situation. That since the very same person has misbehaved two months later, complainant discussed with her family members and had accordingly filed the complaint on 10.07.2026 at about 08:10 p.m.

4. Based on the aforesaid complaint, the respondent-Police have registered the case in Crime No.147/2026 for the offences punishable under Sections 74, 75, 79 of BNS. Petitioner was arrested on the same day i.e., on 10.07.2026 and since then he is in judicial custody.
5. An application Under Section 483 of BNSS, 2023 was filed by the accused-petitioner before the VI Additional District and Sessions Judge, D.K., Mangaluru, which by Order dated 23.07.2026 was dismissed. It is under these



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circumstances the present petition is filed before this Court.

6. Learned counsel for the accused-petitioner taking this Court through the records submits that the complaint does not make out a prima-facie case and there is a delay in lodging the complaint. No material is furnished with regard to the alleged previous incident that had taken place about two months ago, as averred in the complaint. That in any case the maximum punishment prescribed for the alleged offences is 1 year to 5 years. Since no overt act of any manner whatsoever is attributed, the petitioner is entitled to be released on bail. That the petitioner is making his livelihood by doing coolie work to take care of his wife and children. That he would abide by any conditions that may be imposed by this Court. Hence, she seeks for allowing of the petition.

7. Opposing the submissions of the learned counsel for the accused-petitioner, learned Additional SPP, submits that from the complaint averments, it appears that he is a habitual offender who has been accosting the



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complainant repeatedly. That in the voluntary statement recorded by the Police he has admitted that he is in the habit of stalking the woman. If he is enlarged on bail, there is likelihood of him repeating the same and tampering with the prosecution evidence. Therefore, he submits, it is not a fit case to grant bail.

8. Heard and perused the records.
9. Perusal of the complaint dated 10.07.2026, indicate that the complainant had encountered similar situation about two months prior to the date of complaint. But she had not informed anyone about the same. The present complaint is given after discussing with the family members of the incident that had taken place a day before. Allegation is that the accused-petitioner herein had inappropriately touched the back of the complainant and had signaled her to sit along with him in the back seat of the bus. Except these, there are no other allegations. The offences are triable by the Sessions Court, they do not prescribe punishment for life imprisonment or death. The maximum punishment as



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submitted is only five years. Accused-petitioner has no criminal antecedents and he is stated to be married and having children carrying on coolie work for his livelihood.

10. In that view of the matter, this Court deems it appropriate to grant bail subject to following conditions:

ORDER

(i) Criminal Petition filed under Section 483 of BNSS, 2023 is ***allowed***.

(ii) The accused-petitioner herein is directed to be enlarged on bail in Crime No.147/2026, registered by the Mangalore South Police Station, Mangalore for the offences punishable under Sections 74, 75 and 79 of the BNS, 2023 subject to the following conditions:

a) The accused-petitioner shall execute personal bond for a sum of Rs.2,00,000/- with two local sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) Since the charge-sheet is not filed, the accused-petitioner shall appear and mark his attendance before the Investigating Officer



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once in fifteen days, preferably on alternative Sundays till filing of the charge-sheet.

c) The accused-petitioner shall regularly appear before the **concerned trial Court* on all hearing dates without fail unless exempted by the **concerned trial Court* for valid reasons.

d) The accused-petitioner shall not tamper with the prosecution witnesses.

e) The petitioner shall not involve in similar offences in future;

f) The accused-petitioner shall not leave the jurisdiction of the **concerned trial Court* without permission of the said Court until the case registered against him is disposed off.

Communicate copy of this order to the **concerned trial Court* and concerned prison authorities forthwith.

Sd/-
(M.G.S. KAMAL)
JUDGE

RL
List No.: 1 SI No.: 1

**This page is retyped and replaced vide Chamber Order dated 20.08.2026.*