



CNR: KAHC010550302026

NC: 2026:KHC:49387
CRL.P No. 12212 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 12212 OF 2026

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

BETWEEN:

KADEKAL HABEED KHAN
S/O. MUNAVAR
AGED ABOUT 36 YEARS
PRESENT R/AT KADEKAL,
SHIVAMOGGA TALUK, SHIVAMOGGA-577203,
KARNATAKA
PERMANENT R/AT KADEKAL,
SHIVAMOGGA TALUK, SHIVAMOGGA-577203.,
KARNATAKA.

...PETITIONER

(BY SRI. MOHAMED IBRAHIM, ADVOCATE)

AND:

STATE OF KARNATAKA
BY THE SHO OF KOTE POLICE STATION,
SHIVAMOGGA-577203
(REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU-560001.

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

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by NANDINI M
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Location: HIGH
COURT OF
KARNATAKA



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THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE THE ABOVE NAMED PETITIONER ON BAIL IN THE ABOVE CASE IN CRIME NO.34/2021 FOR THE OFFENCES P/U/S 143, 144, 147, 148, 341, 504, 364, 323, 324, 307, 506, 120B R/W 149 OF IPC OF KOTE POLICE STATION SHIVAMOGGA WHICH IS PENDING IN THE SC NO.197/2025 ON THE FILE OF THE III ADDL. DISTRICT AND SESSIONS JUDGE AT SHIVAMOGGA AND ETC.

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 No.2 in S.C.No.197 of 2025 pending before the Court of III Additional District and Sessions Judge, Shivamogga, arising out of Crime No.34 of 2021 registered by Kote Police Station, Shivamogga, for the offences punishable under Sections 143, 144, 147, 148, 341, 504, 364, 323, 324, 307, 506, 120B read with Section 149 of IPC, is before this Court in this petition filed under Section 483 of BNSS, 2023 seeking regular bail.



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2. Heard the learned counsel for the parties.

3. Perusal of the material on record would go to show that the petitioner was arrested in the present case on 05.08.2021 at the crime stage and was granted statutory bail by the committal Court by order dated 14.12.2021. For the reason that he had not appeared before the trial Court in S.C.No.197/2025, non-bailable warrant was issued against him and he was produced before the Court under body warrant on 09.06.2026 and on the said day, he was remanded to judicial custody. His bail application filed before the trial Court in S.C.No.197/2025 was rejected on 08.07.2026. Therefore, he is before this Court.

4. From the aforesaid, it is apparent that the petitioner was earlier arrested in the present case on 05.08.2021 and was released on statutory bail by the learned Magistrate vide order dated 14.12.2021. Subsequently, investigation was completed and



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chargesheet dated 01.08.2023 was filed against seven persons and the petitioner is arrayed as accused No.2 in the chargesheet. The case was subsequently committed to the jurisdictional Sessions Court and numbered as S.C.No.197/2025.

5. It appears that on 09.12.2025 and 31.12.2025, the petitioner had not appeared before the trial Court in S.C.No.197/2025. Therefore, non-bailable warrant was issued against him and he was produced before the trial Court in S.C.No.197/2025 under body warrant on 09.06.2026 and remanded to judicial custody.

6. Material made available to this Court would go to show that the petitioner was convicted in S.C.No.5058/2021 by the jurisdictional Court of the Sessions Judge, Shivamogga, for the offences punishable under Sections 399 and 402 of IPC and the said judgment and order of conviction and sentence was questioned by the petitioner before this Court in Crl.A.No.280/2026. This



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Court, on 18.02.2026 has suspended the sentence imposed in S.C.No.5058/2021 and directed the petitioner to be released on bail during the pendency of the criminal appeal. The petitioner, who was facing trial in S.C.No.5065/2025, was taken into custody after he was convicted in S.C.No.5058/2021. Therefore, he had approached this Court in Crl.P.No.6490/2026, which was allowed by this Court on 18.06.2026.

7. In the meanwhile, on 09.06.2026, the petitioner was produced before the trial Court in S.C.No.197/2025 and remanded to judicial custody. The petitioner's absence before the trial Court in S.C.No.197/2025 appears to be for the aforesaid reasons. Be that as it may the fact remains that the petitioner was released on statutory bail in the present case and thereafter, he was appearing before the trial Court in S.C.No.197/2025. Since he failed to appear on two dates of hearing, he is now remanded to judicial custody by the learned trial Judge. For the mistake committed by the petitioner, he has now been sufficiently



punished. He has undertaken to co-operate before the trial Court for the speedy disposal of the case. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

ORDER

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

The petitioner is directed to be enlarged on bail in S.C.No.197 of 2025 pending before the Court of III Additional District and Sessions Judge, Shivamogga, arising out of Crime No.34 of 2021 registered by Kote Police Station, Shivamogga, for the offences punishable under Sections 143, 144, 147, 148, 341, 504, 364, 323, 324, 307, 506, 120B read with Section 149 of IPC, subject to the following conditions:



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- 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;
- 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 of.
- f) Petitioner shall appear before the Station House Officer, Kote police station, Shivamogga on the 1st Sunday of every month between 10 a.m. and 1 p.m. and



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mark his attendance regularly till
S.C.No.197/2025 pending before the III
Additional District and Sessions Judge,
Shivamogga, is disposed of.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AM
List No.: 1 Sl No.: 73