



CNR: KAHC010593972026

NC: 2026:KHC:52902
CRL.P No. 13372 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 13372 OF 2026

BETWEEN:

1. MOHAMMAD SHAMEER
@ DEDLI AND DAMI SHAMEER
S/O. MOHAMMAD ALI
AGED ABOUT 37 YEARS
R/AT ARKE HOUSE, KODIPADI
VILLAGE, KASABA PUTTHUR TALUK
D.K. DISTRICT.

...PETITIONER

(BY SRI LETHIF B, ADV.)

AND:

1. THE STATE OF KARNATAKA,
BAJPE STATION, D.K DISTRICT
REP. BY SPP, HIGH COURT BUILDING
BENGALURU - 560 001.
2. RONALD FERNANDIS
S/O MARTIN FERNANDIS
AGED ABOUT 52 YEARS
R/AT PADAVU HOUSE
PERMUDE POST, MANGALURU
TALUK, D.K DISTRICT - 574509

...RESPONDENTS

(BY SRI CHANNAPPA ERAPPA, HCGP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO RELEASE THE PETITIONERS ON BAIL IN CRIME
NO.09/2025 OF BAJPE POLICE STATION, D.K.DISTRICT FOR THE
OFFENCE P/U/S 351(3), 351(4), 308(4), 352, 111(2) (b), 111(4),
61(2)(a) R/W 190 OF BNS AND SEC.42 OF KARNATAKA PRISON
(AMENDMENT ACT, 2002 AND SEC.3(2) AND 3(4) OF KARNATAKA



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CONTROL OF ORGANIZED CRIME ACT 2000, ON THE FILE OF
PRINCIPAL DISTRICT AND SESSIONS JUDGE, MYSURU.

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.4 in Special Case No.365/2025 pending before the
Court of the Principal District and Sessions Judge, Mysuru, arising out
of Crime No.09/2025 registered by Bajpe Police Station, Dakshina
Kannada District for the offences punishable under Sections 351(3),
351(4), 308(4), 352, 111(2)(b), 111(4), 238, 61(2)(a) read with
Section 190 of BNS, 2023, Section 42 of Karnataka Prisons
(Amendment) Act, 2022 and Sections 3(2) and 3(4) of Karnataka
Control of Organized Crime Act, 2000, 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.

3. FIR in Crime No.09/2025 was registered by Bajpe Police
Station, Dakshina Kannada District for the offences punishable under
Sections 351(2), 351(3), and 351(4) of BNS, 2023, against one Sri
Kali Yogish, based on the first information dated 25.01.2025, received
from Sri Ronald Fernandes, son of Sri Martin Ferbabdes, who is the
alleged victim in the present case. During the course of investigation
of the said case, the petitioner herein was arrested on 04.06.2025



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and remanded to judicial custody. Charge sheet is filed thereafter against eight persons and the petitioner is arrayed as accused No.4 in the charge sheet. His bail application filed before the jurisdictional Sessions Court in Special Case No.365/2025 was rejected on 05.05.2026. Therefore, he is before this Court.

4. In the charge sheet, it is alleged that accused No.1 had contacted CW-1 multiple times over mobile phone and had demanded money from him, failing payment, he had threatened him of dire consequences. It is the further case of the prosecution that, since CW-1 did not respond to the call of accused No.1, at the instance of accused No.1, a conference call was made by accused No.5 and her husband (accused No.2), who was in jail. Thereafter, accused Nos.2 and 3, who were together in the jail, had threatened CW-1 of dire consequences if the demand made by accused No.1 was not met by him. The allegation against the petitioner, who is arrayed as accused No.4 in the charge sheet is that he had helped accused Nos.2 and 3 to destroy the mobile phone and the SIM card which were used for making the threatening conference call on 05.02.2025 by accused Nos.2, 3 and 5.

5. Accused No.2 has been granted regular bail by this Court in Crl.P.No.7304/2026 vide order dated 03.08.2026. In paragraph Nos.6 to 10 of the said order, it is observed as follows:



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"6. *FIR in the present case was registered only against Kali Yogish, who is now arrayed as accused No.1 in the charge sheet. FIR was registered for offences punishable under Section 351(2), 351(3), 351(4) of BNS 2023, with an allegation that first informant had received multiple threatening calls from various phone numbers mentioned in the FIR, from the aforesaid Kali Yogish. In the charge sheet which is now filed against 8 persons, petitioner is arrayed as accused No.2. Allegation against the petitioner is that while he was in custody in the cases registered against him, at the instance of accused No.1, he had threatened the first informant on 05.02.2025, over a conference call which was routed by his wife-accused No.5.*

7. *According to the prosecution, the petitioner who was in jail was in possession of a mobile phone and was using SIM cards bearing Nos.7899097089 and 7411185992 and on 05.02.2025, he had threatened the first informant using his SIM card bearing No.7411185992. It is not in dispute that the aforesaid SIM cards and the mobile belonging to the petitioner have not been recovered in the present case. Allegation made against the petitioner is that he had destroyed the mobile phone as well as the SIM cards while in jail and had disposed of the same in the jail toilet.*

8. *FIR in the present case was registered on 25.01.2025. First informant who allegedly had received a threatening call from the petitioner at the instance of accused No.1 on 05.02.2025, had not approached the police immediately thereafter and statement of the first*



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informant with regard to the alleged threat on 05.02.2025 was recorded for the first time on 22.04.2025, which is after a lapse of more than 75 days from the alleged date of threat. Meanwhile, petitioner's wife Mrs.Sameena Khanam was apprehended on 27.03.2025 and she was arrayed as accused No.5 in the present case.

9. *It is the case of the prosecution that during the course of her interrogation, accused No.5 had confessed about the call made to the first informant by her husband through a conference call on 05.02.2025. It is only based on the confession statement of accused No.5, subsequently the further statement of first informant was recorded on 22.04.2025 and petitioner was arrested in the present case on 25.04.2025. It is relevant to notice here that petitioner was in custody in Crime No.99/2024 registered by Mangalore North Police Station, Dakshina Kannada District, for offences punishable under the NDPS Act and Indian Arms Act, and in the said case he was granted regular bail by the trial Court in Special Case No.247/2024, vide order dated 01.03.2025. After the petitioner was granted bail in Crime No.99/2024, based on the confession statement of accused No.5 and the further statement of first informant dated 22.04.2025, the petitioner was arrested in the present case. The petitioner who was released from jail in Crime No.99 of 2024, was arrested in the present case on 25.04.2025 and once again remanded to the judicial custody.*

10. *It is not in dispute that in all the other criminal cases which were earlier registered against the petitioner he has been granted bail. The Hon'ble Supreme*



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*Court in the case of **Prabhakar Tewari /vs./ State of Uttar Pradesh and Another - (2020) 11 SCC 648**, has observed that merely for the reason that an accused is a person with criminal antecedents, his prayer for bail cannot be rejected if it is found that on merits he is entitled for the said relief. In the case on hand, considering the fact that for the first time, the first informant had made a statement before the Investigation Officer on 22.04.2025 with regard to the alleged threatening call made by the petitioner on 05.02.2025, when the FIR in the present case was already registered on 25.01.2025 and also having regard to the analysis of the matter made hereinabove, I am of the opinion that prayer made by the petitioner for regular bail needs to be answered, subject to appropriate conditions."*

6. Subsequently, accused No.3, who had allegedly joined accused No.2 in making the threatening call on 05.02.2025, was granted regular bail by this Court in Crl.P.No.11946/2026 disposed of on 31.08.2026. The allegation against the petitioner is that he had helped accused Nos.2 and 3 to destroy the mobile phone and SIM card which were used by them for making threatening call to CW-1 from jail.

7. Learned High Court Government Pleader has brought to the notice of this Court that the petitioner is a person with criminal antecedent. Even the other accused who have been granted bail by



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this Court earlier, including accused Nos.2 and 3 were persons with criminal antecedents. The Hon'ble Supreme Court in the case of ***PRABHAKAR TEWARI Vs. STATE OF UTTAR PRADESH AND ANOTHER*** reported in ***(2020) 11 SCC 648*** has observed that merely for the reason that an accused is a person with criminal antecedents, his prayer for bail cannot be rejected if he is otherwise found entitled to the said relief.

8. 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***.
- ii) The petitioner is directed to be enlarged on bail in Special Case No.365/2025 pending before the Court of the Principal District and Sessions Judge, Mysuru arising out of Crime No.09/2025 registered by Bajpe Police Station, Dakshina Kannada District for the offences punishable under Sections 351(3), 351(4), 308(4), 352, 111(2)(b), 111(4), 238, 61(2)(a) read with Section 190 of BNS, 2023, Section 42 of Karnataka Prisons (Amendment) Act, 2022 and Sections 3(2) and 3(4) of Karnataka Control of Organized Crime Act, 2000, 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 off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 1 Sl No.: 78