



NC: 2026:KHC:53663
CRL.P No. 13637 of 2026

CNR: KAHC010609932026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 28TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 13637 OF 2026

BETWEEN:

MALI MOHAMMED SIYAN
S/O MOHAMMED HUSSAIN
AGED ABOUT 31 YEARS
R/AT FLAT NO.502, B BLOCK
CITY GATEWAY APARTMENT
NEAR MISSION COMPOUND
SHANTHINAGAR CROSS
UDUPI TALUK, UDUPI DISTRICT
(NOW IN JUDICIAL CUSTODY)

...PETITIONER

(BY SRI BALAKRISHNA M.R, ADV.)

AND:

1. THE STATE BY
INSPECTOR OF POLICE
MALPE POLICE STATION
REPRESENTED BY ITS STATE
PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.
2. THE DEPUTY SUPERINTENDENT OF POLICE
UDUPI SUB-DIVISION
UDUPI DISTRICT - 576 101
REPRESENTED BY ITS STATE
PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS)
PRAYING TO RELEASE HIM ON BAIL PENDING TRIAL IN

Digitally
signed by
NANDINI M S
Location:
HIGH COURT
OF
KARNATAKA



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SPL.C.NO.131/2026 (CRIME NO.108/2025 DATED 27.09.2025) ON THE FILE OF PRINCIPAL DISTRICT AND SESSIONS JUDGE AT MYSORE FOR THE ALLEGED OFFENCES P/U/S 61(2), 103(1) R/W 3(5) OF BNS 2023, U/S. 2(C), 27 OF ARMS ACT AND U/S 3(1)(i), 3(2) AND 3(4) OF KCOCA.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.6 in Spl.C.No.131/2026 pending before the Court of Principal District & Sessions Judge, Mysuru arising out of Crime No.108/2025 registered by Malpe Police Station, Udupi District for the offences punishable under Sections 49, 61(2), 332(A) & 103(1) R/w Section 3(5) of BNS, 2023, Sections 3(1)(i), 3(2) & 3(4) of KCOCA Act, 2000 and Sections 2(c) & Section 27 of Indian Arms Act, 1959 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.108/2025 was registered by Malpe Police Station, Udupi District initially for offence punishable under Section 103 R/w Section 3(5) of BNS, 2023



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against Faizal Khan and others, based on the first information dated 27.09.2025 received from Sri Abdul Anzil S/o deceased Saipuddin. In the said case, the petitioner was arrested on 15.12.2025 and remanded to judicial custody. His bail application filed before the jurisdiction Sessions Court in Spl.C.No.131/2026 was rejected on 12.08.2026. Therefore, he is before this Court.

4. FIR in the present case was registered against Faizal Khan and others, based on the first information dated 27.09.2025 received from Sri Abdul Anzil, who is the son of the deceased Saipuddin. Petitioner's name is not found in the FIR. During the course of investigation, he was arrested on 15.12.2025 and remanded to judicial custody. In the charge sheet which is filed after completing investigation, it is alleged that accused no.1 - Mohammed Akram and deceased Saipuddin, were partners in business. It appears that there was some misunderstanding between them and therefore, accused no.1, who is alleged to be the leader of crime syndicate, decided to eliminate his partner Saipuddin and accordingly had conspired with accused nos.2 to 6. Accused no.2 was a close



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associate of Saipuddin and he was allegedly looking after his business. Accused No.5 is the wife of accused No.2. Saipuddin allegedly had a liking towards accused no.5 and he had asked accused no.2 to cooperate and send her nude photos. Therefore, accused no.2 had developed ill-will against Saipuddin. Accused Nos.3 and 4 were earlier working as drivers in the bus belonging to Saipuddin. At the instance of Saipuddin, they had committed a murder in the year 2020 and had gone to jail. Since Saipuddin had not made any arrangements for securing bail to them, even they had developed ill- will against Saipuddin. It is in this background, accused persons allegedly had conspired to commit the murder of Saipuddin.

5. In furtherance of said conspiracy, on 27.09.2025, accused no.2 had taken Saipuddin along with him, stating that, his wife, accused no.5 was in the house of Saipuddin at Kodavuru. Accused nos.3 and 4 armed with weapons were waiting near the house of Saipuddin at Kodavuru and immediately after accused no.2 came near the house along with Saipuddin in a car, they assaulted Saipuddin on his head with an iron rod and thereafter, pulled him inside his house at



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Kodavuru. Accused Nos.2 to 4, thereafter assaulted Saipuddin inside his house with deadly weapons and committed his murder.

6. Allegation as against accused no.6, who is the petitioner in the present case is that he had received the weapons used to commit the crime from accused no.2 and handed over the same to accused nos.3 and 4. Except the said allegation, there is no other allegation as against accused no.6. Undisputedly, he was not present at the spot of the crime on the alleged date of the incident. It is also not in dispute that he has no other criminal antecedents. Accused no.5 as against whom there is an allegation of conspiracy has been granted regular bail by this Court in Criminal Petition No.4868 of 2026 disposed of on 19.06.2026. Accused nos.2 to 4, who are the assailants in the present case, are arrested and are in custody. Investigation of the case is completed and trial is yet to commence.

7. Considering the aforesaid aspects of the matter more so, the nature of allegations found against the petitioner,



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I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively. Accordingly, the following:-

ORDER

Criminal petition is allowed.

The petitioner is directed to be enlarged on bail in Spl.C.No.131/2026 pending before the Court of Principal District & Sessions Judge, Mysuru arising out of Crime No.108/2025 registered by Malpe Police Station, Udupi District for the offences punishable under Sections 49, 61(2), 332(A) & 103(1) R/w Section 3(5) of BNS, 2023, Sections 3(1)(i), 3(2) & 3(4) of KCOCA Act, 2000 and Sections 2(c) & Section 27 of Indian Arms Act, 1959, subject to the following conditions:

a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) 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 her appearance for valid reasons;



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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 her is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE