



NC: 2026:KHC:52913
CRL.P No. 13751 of 2026

CNR: KAHC010615182026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 13751 OF 2026

BETWEEN:

1. MOHAMMED ISMAIL SHERIFF
S/O. MOHAMED SHERIFF
AGED ABOUT 46 YEARS
NO.173, A K COLONY, NOKIA BUILDING
BANGALORE NORTH, ARABIC COLLEGE PO
BANGALORE DISTRICT, KARNATAKA - 560 045
BENGALURU CITY, DJ HALLI MAIN ROAD
KARNATAKA - 560 045.
2. NARGESS BANU
W/O. MOHAMMED ISMAIL SHERIFF
AGED ABOUT 43 YEARS, RESIDING
AT NO.173, A K COLONY
DJ HALLI MAIN ROAD, DJ HALLI
NOKIA BUILDING, BANGALORE NORTH
ARABIC COLLEGE PO, BANGALORE
DISTRICT, KARNATAKA - 560 045.

...PETITIONERS

(BY SRI ABDUL MAJID, ADV.)

AND:

1. STATE BY KARNATAKA
WILSONGARDEN PS
REPRESENTED BY STATE PUBLIC
PROSECUTOR, HIGH COURT
BUILDING, BENGALURU - 560 001.
2. BIBI AYESHA
W/O AKRAM PASHA
BASHA BUILDING

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



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H. SIDDIAH ROAD
BANGALORE - 27.

...RESPONDENTS

(BY SRI RAHUL RAI K, HCGP FOR R-1;
SHIREESHA S, ADV., FOR
SRI K.N. SUBBA REDDY, ADV. FOR R-2)

THIS CRL.P IS FILED U/S.438 (FILED U/S.482 BNSS) CR.P.C PRAYING TO GANT ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.96/2026 OF THE WILSONGARDEN POLICE REGISTERED A CASE FOR ALLEGED OFFENCE P/SU/ 316(2),318(4),351,352 R/W SEC.3(5) OF BNS 2023 WHICH IS PENDING ON THE FILE OF THE III ADDL CJM BENGALURU.THE LXII ADDL CITY CIVIL AND SESSIONS JUDGE, (CCH-63) BENGALURU HAS REJECTED THE BAIL PETITION ON 28.08.2026 IN CRL.MISC.NO.8456/2026.COPY SERVED ON SPP.POST THIS CRL.P BEFORE COURT FOR ORDERS.VIDE R(J) MEMO NO.138/2026, DATED 29.01.2026 (SOP)SDY030926

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 Nos.1 and 2 in Crime No.96/2026 registered by Wilson Garden Police Station, Bengaluru, for the offences punishable under Sections 316(2), 318(4), 351, 352 read with Section 3(5) of BNS, 2023, are before this Court in this petition filed under Section 482 of BNSS, 2023, seeking anticipatory bail.
2. Heard the learned counsel for the parties.



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3. FIR in Crime No.96/2026 was registered by Wilson Garden Police Station, Bengaluru, for the aforesaid offences against the petitioners herein based on the first information dated 29.06.2026 received from Bibi Ayesha W/o Akram Pasha. Apprehending arrest in the case, petitioners had filed Crl.Misc.No.8456/2026, which was rejected by the jurisdictional Sessions Court on 28.08.2026. Therefore, they are before this Court.

4. Learned counsel for the petitioners submits that petitioners, who are the husband and wife do not have any criminal antecedents. Petitioners and the first informant have money transactions for a considerable period of time and documents produced by the petitioners would go to show that the transaction between parties is much earlier to the alleged period found in the first information. He submits that petitioners have substantially repaid the money borrowed by them. By making false allegations, an attempt is made to recover the amount paid by the first informant.



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5. Per contra, learned HCGP for respondent No.1 and learned counsel for respondent No.2, who has filed statement of objections opposing the bail application, have strenuously opposed the bail application.

6. Learned counsel for respondent No.2, who has produced certain documents in support of her arguments submits that the said documents conclusively prove that petitioners have received the money from the first informant and though they have promised to repay the same, they have failed to do so. She also submits that petitioners had assured of high returns to the first informant and now they have not paid the assured returns or the amount deposited for the purpose of business by the first informant and thereby they have clearly committed the alleged offences. Accordingly, she prays to dismiss the petition.

7. A reading of the first information dated 29.06.2026 received from the first informant would go to show that petitioners and the first informant are acquainted to each other for the last nearly 13 years. It is alleged that petitioners had approached them in them in the month of October, 2025 and



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had represented that if amount is deposited in their business, they will give high returns and believing the assurance of the petitioners, first informant periodically had invested nearly a sum of Rs.50 lakhs with the petitioners. Petitioners, who had assured to pay high returns had failed to pay the assured returns and they also had failed to refund the amount of Rs.50 lakhs deposited by the first informant.

8. Documents which are produced by learned counsel for petitioners along with the memo would go to show that much prior to October, 2025, there were money transactions between the petitioners and the first informant. Petitioners appear to have paid money to the first informant on various dates even prior to October, 2025. Therefore, transactions between the petitioners is not subsequent to October, 2025, as contented in the first information, but it is even prior to that.

9. Considering the documents produced by the parties and the allegations found in the first information, it *prima facie* appears that the parties are having financial transactions for the last many years. The very fact that petitioners had repaid



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certain money to the first informant would suggest that at the inception itself, they did not have any intention to cheat the first informant, who allegedly has paid money to them on various dates. Even otherwise, the alleged offences are triable by the Court of Magistrate and the maximum punishment for the alleged offences is imprisonment for a period of seven years. Petitioners, who are husband and wife are said to be persons without any criminal antecedents and they have undertaken to co-operate with the police for the purpose of investigation. Accordingly, the following order:-

10. The petition is allowed. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioners in the event of their arrest in Crime No.96/2026 registered by Wilson Garden Police Station, Bengaluru, for the offences punishable under Sections 316(2), 318(4), 351, 352 read with Section 3(5) of BNS, 2023, subject to the following conditions:

1. The Petitioners shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall



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execute a personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum to the satisfaction of the investigating officer.

2. Petitioners shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

3. Petitioners shall not tamper with the prosecution witnesses and they shall co-operate with the police for investigation and appear before them whenever called upon.

4. The petitioners shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE