



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CRIMINAL PETITION NO. 17553 OF 2025

BETWEEN:

1. MAHBOOB SAB
S/O PACHASAB,
AGE 50 YEARS,
R/AT NO. I 16. RAJAK SAB PALYA,
JALA HOBLI, YALAHANKA TALUK,
BENGALURU - 562 149.

...PETITIONER

(BY SRI. KIRANKUMAR H.K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY SHO BAGALURU PS BENGALORE.
REPTD BY STATE PUBLIC PROSECUTER,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. WAHEEDA M.M., HCGP)

THIS CRL.P. IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT TO ENLARGE THE BAIL, PETITIONER IN CRIME NO.253/2024 S.C.NO.15016/2025 BAGALUR POLICE STATION FOR ALLEGED OFFENCE PUNISHABLE UNDER SECTION 103(1), 217 OF BHARATIYA NYAYA SANHITA, 2023 PENDING IN



V ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL
(TO SIT AT DEVANAHALLI) IN THE ABOVE CASE.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. Heard Sri. Kirankumar H.K., learned counsel appearing for the petitioner and Smt. Waheeda M.M., learned High Court Government Pleader appearing for the respondent.
2. The petitioner who is accused in Crime No.253/2024 for the offences punishable under Sections 103(1), 217 of the Bharatiya Nyaya Sanhita, 2023, on the file of V Addl. District and Sessions Judge, Bengaluru Rural, Sitting at Devanahalli, seeking relief of his enlargement on regular bail.
3. It is submitted by the learned counsel appearing for the petitioner, that the petitioner is in the custody for more than one year and the involvement of the petitioner itself has to be considered as there are no eye-witnesses of the alleged



incident involving the petitioner and therefore, sought for allowing the Petition.

4. Per contra, Smt. Waheeda M.M., learned High Court Government Pleader appearing for the respondent - State submitted that recovery of the weapon has been made from the petitioner during the course of investigation. Further it is argued by the learned High Court Government Pleader, that there is clear motive on the part of the petitioner to kill his wife and therefore, it is submitted that, in the event the petitioner is released on bail, there is possibility of tampering the witnesses by the petitioner and accordingly, sought for dismissal of the Petition.

5. In the light of the submissions made by the learned counsel appearing for the parties, on careful consideration of the material on record would indicate that the petitioner is accused in Crime No.253/2024 for the offences punishable under Sections 103(1), 217 of the Bharatiya Nyaya Sanhita, 2023. The perusal of the material on record would indicate that the petitioner is prima facie involved in the crime, and also recovery of weapon has been made from the petitioner. It is



also to be noted that after committing the offence, the petitioner has made an attempt to destroy the evidence.

6. In that view of the matter, taking into consideration the material on record, I am of the view that, in the event the petitioner is allowed to be enlarged on bail, there is possibility of destroying evidence. In that view of the matter, I do not find any ground to accept the prayer made in the Petition.

7. Accordingly, the Criminal Petition is dismissed.

SD/-
(E.S.INDIRESH)
JUDGE

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