HC-KAR
NC: 2026:KHC:59328
CRL.P No. 197 of 2026
CNR: KAHC010009172026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 197 OF 2026

BETWEEN:

STATE OF KARNATAKA,
BY SURTHKAL POLICE STATION,
D.K.DISTRICT, MANGALURU 575 014.
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING, BENGALURU -560 001.

…PETITIONER

(BY SRI. RAHUL RAI.K, HCGP)

AND:

1. MOHAMMED ASHRAF,
   S/O UMARABBA KALAVAR,
   AGED ABOUT 43 YEARS,
   R/AT NO.4-28-29, ASHRAF MANZIL,
   K.P. NAGAR, BAJPE, MANGALURU - 574 142.

2. MOHAMMED ANIF,
   S/O LATE M.A.IBRAHIM,
   AGED ABOUT 50 YEARS,
   R/AT NO.7-22/6, SITE NO.61,
   FAIZAL COTTAGE, 1ST FLOOR,
   7TH BLOCK, KRISHNAPURA,
   SURATHKAL, MANGALURU - 575 014.

…RESPONDENTS

(BY SRI. DINESHKUMAR RAO K, ADVOCATE FOR R-1 & R-2)

Digitally signed by YASHODA K L
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439(2) CR.PC (FILED U/S 483(3) OF BNSS) TO A. CANCEL THE ORDER GRANTING BAIL TO RESPONDENT/ACCUSED VIDE ORDER DATED 30.08.2025 PASSED BY THE PRL.DISTRICT AND SESSIONS JUDGE, DAKSHINA KANNADA, MANGALURU IN CRIME NO.104/2025 FOR THE OFFENCES P/U/S 316(2), 318(4) R/W 3(5) OF THE BNS 2023 AND U/S 21 OF THE BANNING OF UNREGULATED DEPOSIT SCHEMES ACT, 2019 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

This petition under Section 483(3) of the BNSS, 2023, is filed by the State with the prayer to cancel the regular bail granted to respondent Nos.1 and 2 herein by the Court of Principal District and Sessions Judge, Dakshina Kannada District, Mangaluru in Crime No.104/2025 registered by Surathkal police station, for offences punishable under Sections 316(2), 318(4) read with Section 3(5) of the BNS, 2023 and Section 21 of the Banning of Unregulated Deposit Schemes Act, 2019.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.104/2025 was registered by Surathkal police station, Dakshina Kannada District, for the aforesaid offences against respondent Nos.1 and 2 herein, based on the first information dated 11.08.2025 received from Bujanga A Poojari S/o late Anthappa Poojari, who is one of the alleged victims in the present case.

4. During the course of investigation of the said case, respondent Nos.1 and 2 herein were arrested and their regular bail application filed before the Trial Court in Crime No.104/2025 was allowed on 30.08.2025. Assailing the same, the State is before this Court.

5. In the first information, it is averred that accused persons had floated a lucky scheme under the name and style of New India Royal Scheme in BMR building of Katipalla Village and the first informant was one of the subscribers for the said scheme. The subscribers to the scheme paid monthly installments for a period of ten months at the rate of Rs.1000/-. After completion of the scheme, they would be paid Rs.12,000/- in cash and certain other prices were also assured to the subscribers of the scheme. Allegation against accused

persons is that they had failed to honour their promise and had not refunded the amount received from the subscribers in installments under the aforesaid scheme.

6. Undisputedly, the respondent Nos.1 and 2 herein do not have any criminal antecedents. They were arrested on 12.08.2025 and granted regular bail by the Trial Court on 30.08.2025. Learned Trial Judge has considered the allegations against respondent Nos.1 and 2 herein and by a well reasoned order, has granted regular bail, subject to certain conditions.

7. It is not the case of the State that respondent Nos.1 and 2 have violated any one of the conditions imposed on them by the Trial Court. Learned High Court Government Pleader fairly submits that respondent Nos.1 and 2 have fully cooperated with the police for the purpose of investigation. Though FIR has been registered in the present case in the month of August 2025, undisputedly, charge sheet is not filed in the present case till today.

8. Under the circumstances, I do not find any good ground to entertain this petition and accordingly, petition is ***dismissed***.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

CBC
List No.: 1 Sl No.: 12