HC-KAR
NC: 2026:KHC:62432
CRL.P No. 6927 of 2026
CNR: KAHC010331202026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 6927 OF 2026

BETWEEN:

MOHAMMED MUNAZIR
S/O MOHAMMED AJAZ
AGED ABOUT 30 YEARS,
R/AT NO.14/11, 7TH CROSS,
PADARAYANAPURA,
BENGALURU - 560 026

...PETITIONER

(BY SRI. S.R. SREEPAD, ADVOCATE FOR
SRI. STELLA THANGAM R., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY UPPARPET P.S.,
REPRESENTATED STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU.

2. SMT. SHAHREEN TAJ
W/O MOHAMMED MUNAZIR,
AGED ABOUT 21 YEARS,
R/AT 11, 5TH CROSS, KUVEMPUNAGAR,
NEHRU NAGAR, BENGALURU - 560 026.

...RESPONDENTS

(BY SRI. RAHUL RAI K., HCGP FOR R1
SRI. TARSHISH D'SILVA, ADVOCATE FOR
SRI. MUZAFFAR AHMED, ADVOCATE FOR R2)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010331202026

THIS CRL.P IS FILED U/S 439 CR.P.C. (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER/ACCUSED NO.1 ON BAIL IN CR.NO.315/2025 REGISTERED BY UPPARPET POLICE STATION, BENGALURU FOR THE OFFENCE P/U/S 351,49,61(1),70(1) R/W 3(5) OF BNS 2023 PENDING ON THE FILE OF THE CCH-54, LIII ADDL CITY CIVIL AND SESSIONS SPL JUDGE BENGALURU CURRENTLY THE ACCUSED NO.1 TO BE RELEASED FROM JUDICIAL CUSTODY.

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.1 in SC No.150 of 2026 pending before the Court of LIII Additional City and Civil Judge, Bengaluru, arising out of Crime No.315 of 2025 registered by Upparpet Police Station, Bengaluru City for the offences punishable under Section 351, 49, 61(1), 70(1) read with Section 3(5) of BNS, 2023, 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.315 of 2025 was registered by Upparpet Police Station, Bengaluru City for the aforesaid offences against petitioner and another, based on the first information dated 24.10.2025 received from the victim lady, who is the wife of the petitioner. During the course of investigation, the petitioner was arrested on 24.10.2025 and remanded to judicial custody. After completing investigation, charge sheet has been filed against 2 persons and petitioner is arrayed as accused No.1 in the charge sheet. His bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.10236 of 2025 was rejected on 20.12.2025. Therefore, he is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that there is a serious matrimonial dispute between husband and wife. It is in this background, the petitioner and his friend who tried to settle the dispute have been falsely implicated in the present case. He submits that the victim

lady has been examined in the present case as PW1 and has been completely cross-examined on behalf of petitioner herein. Out of the 25 charge sheet witnesses cited in the present case, only 1 witness has been examined till date. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader and learned counsel for respondent No.2/ victim lady has opposed the bail application. They submit that the victim lady has made serious allegations against the accused persons and she has supported the case of the prosecution during the course of her deposition. Prima facie case is made out against the petitioner. Accordingly, they pray to dismiss the petition.

6. The victim lady (PW.1) had approached the police in the present case on 24.10.2025 and based on her first information, FIR in Crime No.315 of 2025 was registered by Upparpet Police Station, Bengaluru City

against the petitioner and another. In the first information, it is stated that on 19.10.2025 she was taken to the lodge by her husband at about 06:30 p.m., and when she went inside the room in the lodge, she found accused No.2 inside the room. She has alleged that her husband and accused No.2 thereafter had forcibly sexual intercourse with her. On 21.10.2025 her husband had dropped her in her parents house and subsequently, she informed about the alleged incident to her parents and approached the police on 24.10.2025.

7. In the statement of the victim lady recorded under Section 183(1) of BNSS, 2023 before the Court of jurisdictional Magistrate also she had reiterated the allegations made against accused Nos.1 and 2. Accused No.2 has been granted regular bail in the present case by this Court in Crl.P.No.2766 of 2026 vide order dated 04.06.2026. In paragraph Nos.8 and 9 of the order passed in Crl.P.No.2766 of 2026, it is observed as follows:

"8. The statement of the victim lady under Section 183(1) of the BNSS. 2023 has been recorded in the present case on 10.12.2025 by the jurisdictional Magistrate. In the said statement, the victim lady has stated that after the alleged incident had taken place on 19.10.2025, she had gone to her parents house along with her husband on 21.10.2025 and he had threatened her not to say anything about the incident to her parents. Therefore, she had not informed about the incident on that day and on 22.10.2025, she had thought of committing suicide and when she was crying along in the room her mother had questioned her and therefore she had narrated the entire incident. Subsequently, her mother had informed the same to her father. Therefore, she along with her parents had gone to J.J.R. Nagar police station on 23.10.2025 and lodged a oral complaint. The police arrested her husband and the petitioner herein on the same night. Subsequently, she had approached the Upparpet Police Station on 24.10.2025 and submitted a complaint based on which FIR was registered in the present case.

> *9. In the remand application of the accused persons, it is mentioned that after the FIR was registered in Crime No,315/2025 by the Upparpet Police Station, the police constable attached to the said police station had arrested the accused at about 4.30 p.m., based on the credible information received. The aforesaid discrepancies creates a doubt in the mind of the Court about the allegations made against the petitioner, more so, when the allegation is that the petitioner had committed the alleged offence along with husband of the first informant. Undisputedly, the petitioner has no criminal antecedents and he is a married man having family to be taken care of. He is in custody from 24.10.2025. Investigation of the case is yet to commence. Under the circumstances, I am of the view that his prayer for grant of regular bail is to be answered in the affirmative."*

8. The petitioner who has no other criminal antecedents, is in custody for the last more than 1 year. Before the trial Court the victim lady has been examined as PW.1 and she has been now completely cross-examined

on behalf of the petitioner. Therefore, there cannot be any apprehension that the petitioner may tamper with the material charge sheet witness. Out of the 25 charge sheet witnesses as on this date, only 1 charge sheet witness is examined. Therefore, the chances of the trial being completed and case being disposed of on merits in the near future is very remote. It is trite that an accused cannot be detained in custody as preventive or precautionary measure.

9. 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:

O R D E R

(i) The Criminal Petition is allowed.

(ii) The petitioner is directed to be enlarged on bail in SC No.150 of 2026 pending before the Court of LIII Additional City and Civil Judge, Bengaluru, arising out of

Crime No.315 of 2025 registered by Upparpet Police Station, Bengaluru City for the offences punishable under Section 351, 49, 61(1), 70(1) read with Section 3(5) of BNS, 2023, subject to the following conditions:

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

AMM
List No.: 1 Sl No.: 41