HC-KAR

NC: 2026:KHC:61490
CRL.P No. 11452 of 2026
C/W CRL.P No. 11050 of 2026

CNR: KAHC010521772026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 11452 OF 2026

C/W

CRIMINAL PETITION NO. 11050 OF 2026

IN CRL.P No. 11452/2026

BETWEEN:

MUSTAFA ALI BAIG
S/O. NIYAZ AHMED,
AGED ABOUT 22 YEARS,
R/O 2ND CROSS, NEAR URDU SCHOOL,
NEW MANDLI, R.T.ROAD,
SHIVAMOGGA - 577 205

...PETITIONER

(BY SRI. HASHMATH PASHA, SR. COUNSEL FOR
SRI. NASIR ALI, ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA
BY JAYANAGAR POLICE STATION,
SHIVAMOGGA - 577 201.
REP. BY LEARNED STATE PUBLIC PROSECUTOR
HIGH COURT OF BANGALORE - 560 001.

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO ENLARGE HIM ON BAIL IN CRIME

NO.84/2025 OF JAYANAGAR POLICE STATION OF SHIVAMOGGA WHICH IS PENDING IN SPL.CC NO.1047/2026 REGISTERED FOR OFFENCE P/U/S 189(2), 191(2), 191(3), 115(2), 118(1), 140(2), 351(2), 352, 61, 308(3), R/W 190 OF BNS AND 3(1)(ii), 3(4) AND SEC. 3(3) OF KCOCA ACT PENDING ON THE FILE OF THE HONBLE PRL.CITY CIVIL AND SESSIONS JUDGE BENGALURU AND SPECIAL COURT FOR KCOCA ACT.

IN CRL.P NO. 11050/2026

BETWEEN:

PRATHAP @ SALEEM
S/O RUDRESH,
AGED ABOUT 28 YEARS,
R/A OPPOSITE LAXMI BAR,
NEAR PADMA TALKIES
GOPAL, SHIVAMOGGA - 577 205

...PETITIONER

(BY SRI. HASHMATH PASHA, SR. COUNSEL FOR
SRI. NASIR ALI, ADVOCATE)

AND:

STATE OF KARNATAKA
BY JAYANAGAR POLICE STATION,
SHIVAMOGGA - 577 201.
(REP. BY LEARNED STATE PUBLIC PROSECUTOR
HIGH COURT OF BANGALORE)

...RESPONDENT

(BY SRI. CHANNAPPA ERAPPA, HCGP)

THIS CRL.P IS FILED U/S.439 (FILED U/S.483 BNSS) OF CR.P.C PRAYING TO ENLARGE HIM ON BAIL IN CRIME NO.84/2025 OF JAYANAGAR POLICE REGISTERED FOR THE OFFENCE P/US/ 189(2), 191(2), 191(3), 118(1), 140(2),

351(2), 352, 61(2), 308(3) R/W SEC.190 OF BNS AND SEC.3(1)(ii), 3(4) OF KCOCA ACT WHICH IS PENDING IN SPL.C.C.NO.1047/2026 ON THE FILE OF THE HONBLE PRINCIPAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL COURT FOR KCOCA ACT.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused Nos.7 and 13 in Special C.C.No.1047 of 2026 pending before the Court of Principal City Civil and Sessions Judge and Special Judge, Bengaluru, arising out of Crime No.84 of 2025 registered by Jayanagar Police Station, Shivamogga for the offences punishable under Section 118(1), 189(2), 191(2), 191(3) 115(2), 140(2), 351(2), 352, 61(2), 308(3), 190 of BNS, 2023 and Section 3(1)(ii), 3(4) and 3(3) of KCOC Act, 2000, are before this Court, in these two petitions filed under Section 483 of BNSS, 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.84 of 2025 was registered by Jayanagar Police Station, Shivamogga for the offences punishable under Section 118(1), 189(2), 191(2), 191(3) 115(2), 140(2), 351(2), 352 and 190 of BNS, 2023 against one Shoheb @ Anda and others, based on the first information dated 24.09.2025 received from Ghani Ahmed Khan, who is one of the injured victim in the present case. In the said case, accused No.7 was arrested on 17.04.2026 and accused No.13 was arrested on 15.05.2026 and were remanded to judicial custody. During the course of the investigation, the offences punishable under the KCOC Act, 2000 was invoked against the accused persons. After completing investigation, charge sheet is filed against 15 persons and petitioners are arrayed as accused Nos.7 and 13 in the charge sheet. Their bail application filed before the jurisdictional Court of Special Judge in Crl.Misc.No.6431 of 2026 was rejected on 14.07.2026. Therefore, they are before this Court.

4. A reading of the first information as well as the charge sheet filed in the present case would reveal that on 22.09.2025, when CW1 and CW2 had gone to the Court at Shivamogga, accused Nos.1 to 8 confronted them for the reason that they belonged to the gang of one Yasin Qureshi, who was their opponent and after abusing CW1 and CW2 using filthy language, accused Nos.7 and 8 forcibly took CW1 in a two-wheeler bearing registration No.KA-53/ EG-9044 and accused Nos.3 and 4 forcibly took CW2 in a two-wheeler bearing registration No.KA-13/E-7296. Accused Nos.1, 2, 5 and 6 followed the aforesaid two-wheelers in a car bearing registration No.KA-01/NF-5458. Thereafter, in a conservancy lane near first cross K.R.Puram, Shivamogga, accused Nos.1 to 8 allegedly removed the clothes of CW1 and assaulted him with hands and threatened him with dire consequences in the event, if he displayed the photograph of Yasin Qureshi in his mobile phone. Similarly, CW2 was also assaulted with hands and threatened not to display the photograph of Yasin Qureshi

in his mobile phone. It is further alleged that the accused persons demanded a sum of Rs.50,000/- from CW1 and CW2 and threatened them with dire consequences if they failed to pay the said amount.

5. Undisputedly, the CW1 and CW2 have suffered only simple injuries in the incident in question, which had taken place on 22.09.2025. In respect of the alleged incident that had taken place on 22.09.2025, FIR was belatedly lodged on 24.09.2025, which is after period of nearly 2 days from the alleged incident. Investigation of the case is now completed and charge sheet is filed against 15 persons for aforesaid offences.

6. Provisions of KCOC Act was invoked in the present case considering the criminal antecedents of the accused, on the ground they are involved in committing organized crimes. It is brought to the notice of this Court that accused Nos.2, 3, 5, 6 and 11 as against whom similar allegations are found in charge sheet and who were

also persons with criminal antecedents have been enlarged on bail before the Trial Court.

7. Learned High Court Government Pleader has brought to the notice of this Court that even the petitioners are persons with criminal antecedents. Considering the nature of allegations found in the charge sheet with regard to the alleged incident that had taken place on 22.09.2025 and also the fact that similarly placed other accused persons have been granted regular bail by the Trial Court, I am of the opinion that the prayer made by the petitioners 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 petitioners are directed to be enlarged on bail in Special C.C.No.1047 of 2026 pending before the

Court of Principal City Civil and Sessions Judge and Special Judge, Bengaluru, arising out of Crime No.84 of 2025 registered by Jayanagar Police Station, Shivamogga for the offences punishable under Section 118(1), 189(2), 191(2), 191(3) 115(2), 140(2), 351(2), 352, 61(2), 308(3), 190 of BNS, 2023 and Section 3(1)(ii), 3(4) and 3(3) of KCOC Act, 2000, subject to the following conditions:

a) The petitioners shall execute personal bond for a sum of Rs.1,00,000/- each with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

c) The petitioners shall not directly or indirectly threaten or tamper with the prosecution witnesses;

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against them is disposed off.

f) The petitioners shall appear before the Station House Officer (S.H.O) of Jayanagar Police Station on every first Sunday of the month between 10.00 a.m. and 1.00 p.m. and mark their attendance regularly for a period of 1 year from the date of their release from the custody.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 37