HC-KAR
NC: 2026:KHC:61093
CRL.P No. 14505 of 2026
CNR: KAHC010649882026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14505 OF 2026

(439(Cr.PC) / 483(BNSS))

BETWEEN:

ROSHAN KINI
S/O. HARISH KINI,
AGED ABOUT 21 YEARS,
R/AT 7-5-629/10,
BHARATHI COMPOUND, BOLOOR, MANGALORE,
ASHOKNAGAR, D.K. 575006.

...PETITIONER

(BY SRI. DHANANJAY KUMAR., ADVOCATE)

AND:

STATE OF KARNATAKA
BY BARKE POLICE STATION.
REPRESENTED BY SPP,
HIGH COURT OF KARNATAKA,
BANGALORE-560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO ALLOW THIS PETITION AND RELEASE THE PETITIONER ON BAIL IN CRIME NO.0055/2026 REGISTERED BY THE BARKE POLICE STATION, ON THE FILE OF JMFC VI COURT, D.K, MANGALORE, FOR THE OFFENCES P/U/S 126(2), 137(2), 115(2), 308(5), 352, 351(2), 351(3), 3(5) OF BNS AND 27(b) NDPS ACT.

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 Crime No.55/2026 registered by Barke Police Station, Mangaluru City for the offences punishable under Sections 126(2), 137(2), 115(2), 308(5), 352, 351(2), 351(3) and 3(5) of BNS, 2023, and Section 27(b) of NDPS Act, 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.55/2026 was registered by Barke Police Station, Mangaluru City against the petitioner and others based on first information dated 26.05.2026 received from one Preethesh N.Kumar who is the injured victim in the present case. During the course of investigation of the said case, the petitioner was arrested on 06.06.2026 and remanded to judicial custody. His bail

application filed before the jurisdictional Sessions Court in Crl.Misc.No.600/2026 was rejected on 05.08.2026. Therefore, he is before this Court.

4. In the first information submitted by the injured victim, it is alleged that on 25.05.2026, accused Nos.1 to 5 named in the FIR had intercepted the two-wheeler in which the victim, his friends and his brother were travelling and thereafter, demanded a sum of Rs.20,000/- from them. Accused No.1 allegedly assaulted him with his hand and threatened him of dire consequences. Injured victim however managed to escape from the said spot. Subsequently, accused persons once again caught hold of victim, his friends and brother and assaulted them with hands. In respect of the alleged incident that had taken place on the night of 25.05.2026 between 10:30 p.m., to 11:30 p.m., FIR was registered on 26.05.2026. The petitioner, arrayed as accused No.1 in the present case, was arrested on 27.05.2026 and was produced before the jurisdictional Magistrate. Subsequently, he was granted

bail by the learned Magistrate on 03.06.2026. It appears that since it was found that some of the accused persons had consumed narcotic drugs, offence punishable under Section 27(b) of the NDPS Act was invoked in the present case. Therefore, the petitioner had voluntarily surrendered before the Magistrate of 06.06.2026 and ever since, he is in custody,

5. It is brought to the notice of this Court by learned HCGP that the petitioner is a person with criminal antecedents. However, the fact remains that for the offences alleged in the FIR, the petitioner who was arrested, was granted regular bail by learned Magistrate and only for the reason that subsequently the offence punishable under Section 27(b) of NDPS Act was invoked in the present case, the petitioner had surrendered before the learned Magistrate on 06.06.2026. Ever since then, he is in custody.

6. Investigation of the case is now completed and charge sheet is filed. Under these circumstances, the petitioner's prayer for grant of regular bail is to be answered in affirmative, subject to appropriate conditions. Accordingly, the following:

ORDER

(i) The criminal petition is ***allowed***. The petitioner is directed to be enlarged on bail in Crime No.55/2026 registered by Barke Police Station, Mangaluru City for the offences punishable under Sections 126(2), 137(2), 115(2), 308(5), 352, 351(2), 351(3) and 3(5) of BNS, 2023, and Section 27(b) of NDPS Act, subject to the following conditions:

a) The petitioner shall execute personal bonds for a sum of Rs.1,00,000/- 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 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 of;

f) The petitioner is directed to appear before the SHO of the of Barke Police Station on third Sundays of every month between 10:00 a.m., and 01:00 p.m., and marke his attendance regularly for a period of one year from the date of his release from custody.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

PA
List No.: 1 Sl No.: 67