HC-KAR

NC: 2026:KHC:60466
CRL.P No. 14928 of 2026
C/W CRL.P No. 15408 of 2026

CNR: KAHC010669382026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14928 OF 2026

C/W

CRIMINAL PETITION NO. 15408 OF 2026

IN CRL.P No. 14928/2026

BETWEEN:

SHAKEEL AHMED
S/O ABIDA BEGUM,
AGED ABOUT 33 YEARS,
R/AT.NO.82, 2ND MAIN ROAD,
KHUSHAL NAGAR, ARABIC COLLAGE POST,
BENGALURU - 560 045.

...PETITIONER

(BY SRI. SEENAPPA V, ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA
BY THE CCB POLICE,
BENGALURU URBEN,
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

THIS CRL.P FILED U/S.439 (FILED U/S.483 BNSS) OF CR.P.C PRAYING TO RELEASE HIM ON BAIL IN CRIME NO.81/2026 OF RESPONDENT i.e., CCB POLICE STATION, BENGALURU FOR THE ALLEGED OFFENCE P/US/ 329(4), 115(2), 118(1), 351(2), (3), 352, 308(5), 310(2) R/W SEC.190 OF BNS 2023 AND SEC.3 OF KARNATAKA CONTROL OF ORGANIZED CRIME ACT 2000 (KCOCA) PENDING ON THE FILE OF THE PRINCIPAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU.

IN CRL.P NO. 15408/2026

BETWEEN:

SYED MEHBOOB PASHA @ MEHBOOB
S/O LATE SYED SAAB
AGE ABOUT 39 YEARS
RESIDING AT NO. 112
NEAR JAMIA MASJID
BELLALI, YELAHANKA,
BENGALURU - 560 064.

...PETITIONER

(BY SRI. MOHAMMED PASHA C, ADVOCATE)

AND:

STATE BY CCB (OCB)(E) P.S.,
REP. BY SPP
HIGH COURT BUILDING
BANGALORE - 01.

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNNS) PRAYING TO ALLOW THIS BAIL APPLICATION U/S 483 OF THE BNSS 2023 AND ENLARGE HIM ON REGULAR BAIL IN CRIME NO.81/2026 REGISTERED BY THE

RESPONDENT (CCB POLICE STATION) FOR OFFENCES P/U/S 329(4), 115(2), 118(1), 351(2)(3), 352, 308(5), 310(2) R/W SECTION 190 OF THE BNS 2023 AND SECTION 3 OF THE KARNATAKA CONTROL OR ORGANIZED CRIMES ACT 2000 PENDING BEFORE THE HONBLE COURT OF THE PRL.CITY CIVIL AND SESSIONS JUDGE, CCH-01 BENGALURU.

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 8 in crime No.81/2026 registered by CCB Bengaluru City Police, Bengaluru for offences punishable under Sections 329(4), 115(2), 118(1), 351(2)(3), 352, 308(5), 310(2) r/w Section 190 of BNS, 2023 and Section 3 of Karnataka Control of Organized Crimes Act, 2000 (KCOCA) 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.81/2026 was registered by CCB Police Station, Bengaluru, for the offences punishable under Sections 329(4), 115(2), 118(1), 351(2)(3), 352, 308(5), 310(2) r/w Section 190 of BNS, 2023, against Ruban and others, based on the first information dated 19.06.2026 submitted by Yasin Ali son of Mehaboob Jan who is the alleged victim in the present case.

4. During the course of investigation, petitioners herein were arrested on 16.07.2026 and remanded to judicial custody. Subsequently, the provisions of KCOCA Act was invoked in the present case against the accused. Bail application filed by the petitioners before the Court of Special Judge in Criminal Misc, No.8856/2026 and 8866/2026 was rejected on 15.09.2026. Therefore, they are before this Court.

5. It is the case of the prosecution that the de-facto complainant is running a garment shop at D.J halli along with his wife. Accused No.2-Mosin who was earlier working

with the de-facto complainant had given information to accused No.1 who is a rowdy-sheeter about the first informant and thereafter accused no. 1 conspired with the other accused persons to threaten the de-facto complainant and demand money from him.

6. On 05.05.2026 at about 09.00 a.m the accused persons had entered the house of the de-facto complainant and after abusing him threatened him showing weapons and thereafter forcibly took away his valuables and also an amount of Rs.80,000/- in cash. It is also alleged that the accused persons snatched the Apple watch and mobile phones belonging to the first informant and left his house after criminally intimidating him. In respect of alleged incident that had taken place on 05.05.2026 in the house of the first informant, FIR was belatedly registered after a lapse of nearly 40 days from the date of incident. The explanation offered by first informant for such inordinate delay is not satisfactory.

7. Learned High Court Government Pleader during the course of argument has fairly submitted that accused persons do not have any criminal antecedents.

8. It is brought to the notice of this Court that the Court of Special Judge has granted regular bail in the present case to accused Nos.2, 4 and 5. Bail application of the petitioners has been rejected only for the reason that they are persons with criminal antecedent. The Hon'ble Supreme Court in case of ***Prabhakar Tewari -vs- State of Uttar Pradesh and another reported in (2020) 11 SCC 648*** has observed that merely for the reason that accused is a person with criminal antecedent his bail application cannot be rejected if he is otherwise found entitled for the said relief.

9. In the present case, considering the nature of allegations and also inordinate delay of 40 days in approaching the police I am of the opinion that prayer

made by the petitioners for grant of regular bail is to be answered affirmatively. Accordingly, the following:-

O R D E R

The Criminal Petitions are allowed. The petitioners are directed to be enlarged on bail in Crime No.81/2026 registered by CCB, Bengaluru City Police, for the offences punishable under Sections 329(4), 115(2), 118(1), 351(2)(3), 352, 308(5), 310(2) r/w Section 190 of BNS, 2023 and Section 3 of Karnataka Control of Organized Crimes Act, 2000 (KCOCA), subject to the following conditions:

a) Petitioners 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 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 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 him is disposed off.

f) Petitioners are directed to appear before the Station House Officer, CCB Bengauru City Police on every 1st Sunday every month between 10.00 am and 1.00 pm and mark their attendance regularly till the investigation of the case is completed and final report is filed.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

VS
List No.: 1 Sl No.: 64