HC-KAR

NC: 2026:KHC:64177
CRL.P No. 14956 of 2026

CNR: KAHC010670032026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 14956 OF 2026

BETWEEN:

MR. MANSOOR
S/O. MUJEEB KHAN,
AGED ABOUT 36 YEARS,
R/AT OLD MANDLI, NT ROAD,
1ST CROSS, SHIVAMOGGA - 577 201.

...PETITIONER

(BY SRI. ANIRUDHA Y.A, ADVOCATE FOR
SRI. PARAMESWARAPPA C, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY TUNGANAGAR POLICE STATION,
SHIVAMOGGA - 577 205.
REPRESENTED BY THE
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 560 001.

2. SYED IBRAHIM RIZWAN,
S/O. SYAD KHUDDUS,
AGED ABOUT 30 YEARS,
R/AT SULEBAILU, 10TH CROSS,
SHIVAMOGGA DISTRICT - 577 201.

...RESPONDENTS

(BY SRI. CHANNAPPA ERAPPA, HCGP FOR R1;
SRI. SATEESH CHANDRA K.V, ADVOCATE FOR R2)

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Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S.438 (FILED U/S.482 BNSS) OF CR.P.C PRAYING TO ALLOW THE PETITION BY GRANTING THE ANTICIPATORY BAIL IN THE EVENT OF ARREST IN CRIME NO.495/2025 OF TUNGA NAGARA POLICE STATION, SHIVAMOGGA, FOR THE ALLEGED OFFENCE P/SU/ 3(i)(ii) AND 3(4) OF KCOCA ACT PENDING BEFORE THE HONBLE ADDL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH-1).

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.2 in Crime No.495 of 2025 registered by Tunga Nagar Police Station, Shivamogga for the offences punishable under Section 3(i)(ii) and 3(4) of Karnataka Control of Organised Crimes Act, 2000 (for short 'KCOCA'), is before this Court in this petition filed under Section 482 of BNSS, 2023 seeking anticipatory bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.495 of 2025 was registered by Tunga Nagar Police Station, Shivamogga for the offences

punishable under Section 308(4), 140(1), 115(2), 109, 351(3), 190 of BNS, 2023 against Fouzan and others, based on the first information dated 29.08.2025 received from injured victim Syad Ibrahim Rizwan. In the said case, the petitioner was arrested on 29.08.2025 and was granted regular bail by the jurisdictional Sessions Court in Crl.Misc.No.828 of 2025 on 15.09.2025. It appears that after charge sheet was filed in Crime No.495 of 2025, invoking offences punishable under BNS, 2023 the provisions of KCOCA were invoked against the accused in Crime No.495 of 2025. It is under these circumstances, apprehending arrest in the said case, the petitioner had filed Crl.Misc.No.8234 of 2026 before the Court of Principal City Civil and Sessions Judge and Special Judge, Bengaluru, which was rejected on 07.09.2026. Therefore, he is before this Court.

4. From a reading of the first information submitted by the injured victim, it appears that he is carrying on the business of automobiles in Shivamogga

and he was also dealing in sale of used cars. It appears that he had sold a Maruthi Omni car to accused No.2 for a sum of Rs.1,15,000/- after collecting his commission. Subsequently, the said car was seized by the police in another criminal case and therefore, accused No.2 demanded repayment of the amount paid by him towards the car. It is under these circumstances, there was a dispute between two parties. It is alleged that on 28.08.2025, accused persons abducted the injured victim and demanded a sum of Rs.4,00,000/- from him. It is further alleged that accused persons also assaulted the first informant with weapon, causing injuries. It is in this background, FIR was registered against Fouzan and others, based on the first information received from the injured victim.

5. Undisputedly, the injured victim has suffered only simple injuries in incident in question. The alleged incident that had taken place in the background of the dispute between the petitioner and the first informant

regarding repayment of money collected in respect of the aforesaid Maruthi Omni car purchased by the petitioner through the injured victim. The petitioner who was arrayed as accused No.2 in the FIR in Crime No.495 of 2025 was arrested on 29.08.2025 and subsequently, granted regular bail by the jurisdictional Sessions Court in Crl.Misc.No.828 of 2025 on 15.09.2025.

6. Undisputedly, the petitioner has no other criminal antecedents. Subsequently, the provisions of KCOCA Act, have been invoked in the present case against the accused in Crime No.495 of 2025 after charge sheet was filed in the said case invoking offences punishable under BNS, 2023. It is brought to the notice of this Court by the learned counsel for the petitioner that accused Nos.3 and 4 as against whom similar allegations are found in the FIR, have been granted anticipatory bail by the Court of Special Judge in Crl.Misc.No.7141 of 2026 on 29.07.2026 and accused Nos.1 and 6 to 9 have been granted regular bail in Crl.Misc.No.7143 of 2026.

7. Under these circumstances, I am of the opinion that the rigour under Section 22(4) of KCOCA cannot be made applicable to the petitioner and his prayer for grant of anticipatory bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

O R D E R

(i) The criminal petition is allowed. The respondent - Police or any other police in the State of Karnataka are directed to release the petitioner in the event of his arrest in Crime No.495 of 2025 registered by Tunga Nagar Police Station, Shivamogga for the offences punishable under Section 3(i)(ii) and 3(4) of Karnataka Control of Organised Crimes Act, 2000, subject to the following conditions:

a) Petitioner shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for

the likesum to the satisfaction of the investigating officer.

b) Petitioner shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

c) Petitioner shall not tamper with the prosecution witness and he shall co-operate with the police for investigation and appear before them whenever called upon.

d) Petitioner shall not involve in similar offences in future.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 49