HC-KAR
CNR: KAHC010676362026

NC: 2026:KHC:54766
WP No. 30927 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 30927 OF 2026 (GM-RES)

BETWEEN:

MR. KHALID ABBAS
AGED ABOUT 61 YEARS,
S/O. AHMED KUNHI
D NO. 2-102, BATYADKA,
MANJINADY, MANGALATHI,
MANJANADY, DAKSHINA KANNADA
MANGALORE - 575018.

PETITIONER

(BY SRI. SHRIRAM ADIGA.,ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
   DISTRICT MAGISTRATE, OFFICE AT, DAKSHINA KANNADA MANGALURU - 575001.

2. STATION HOUSE OFFICER
   BAJPE PS, BAJPE,
   DAKSHINA KANNADA 575001.

RESPONDENTS

(BY SRI. V. SHIVA REDDY.,AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITION OF INDIA PRAYING TO A. QUASH THE CONDITION OF BANK GUARANTEE IMPOSED BY RESPONDENT NO.1 IN THEIR ORDER DATED 17.06.2026 BEARING NO. NO.COM.CR/01/2026-27 VIDE ANNEXURE A AND ETC,.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"a)Issue a writ of certiorari to quash the condition of bank guarantee imposed by respondent No.1 in their order dated 17.06.2026 bearing No. NO.COM.CR/01/2026-27 vide Annexure-A;*
>
> *b) Consequently, direct the respondents to release the vehicle bearing registration No. KA-19-AE-2284 in favour of the petitioner forthwith, subject to such reasonable conditions as this Hon'ble Court may deem fit to impose;*
>
> *c) Issue any other order or direction as this Hon'ble Court deems fit and proper under the facts and circumstances of this case to meet the ends of justice."*

2. The petitioner is aggrieved by the condition imposed for the release of the vehicle, whereunder, it is stipulated by respondent No.1 that the petitioner has to furnish bank guarantee for a sum of `2,50,000/-.

3. Learned counsel for the petitioner submits that in a similar fact situation a Co-ordinate Bench of this Court in the case of ***Mr. Shivaraju T.S. V.s State of Karnataka and another***[1] has granted reliefs. The operative portion of the Co-ordinate Bench judgment is as under:

[1] WP.No.6763/2026 order dt. 26.03.2026; NC:2026:KHC:17412

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"(i) The writ petition is allowed;

(ii) The impugned endorsement dated 20.01.2026 issued by respondent No.2 vide Annexure-A stands modified;

(iii) The petitioner, in lieu of furnishing a bank guarantee, is permitted to offer immovable property owned by him as security for the purpose of securing release of the vehicle;

(iv) The petitioner shall produce the original title documents along with a valuation report in respect of the said immovable property before respondent No.2 for due consideration;

(v) If petitioner does not possess immovable property shall execute a personal indemnity bond in favour of respondent No.2 undertaking to produce the vehicle as and when required;

(vi) Upon compliance with the aforesaid conditions, respondent No.2 shall forthwith release the vehicle to the petitioner, subject to such further reasonable conditions as may be deemed necessary in accordance with law."

4. In view of the aforementioned, the present writ petition is ***allowed***, in terms of the Co-ordinate Bench Judgment in the case of ***Mr. Shivaraju T.S[1]*** as noticed herein above.

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(C.M. POONACHA)
JUDGE

PNV - List No.: 1 Sl No.: 14