HC-KAR

NC: 2026:KHC:22303
CRL.P No. 14538 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

CRIMINAL PETITION NO. 14538 OF 2025

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

BETWEEN:

1. MR MURUGANDI TEVAR @ KUMAR
   S/O SHRIMURUGAM SUNDARAM @
   SHANUGAM
   AGED ABOUT 37 YEARS
   R/O NO. 1/62, A 1-44,
   AMMAN KOVIL,
   PADMANERI VILLAGE,
   TIRUVANWELI DISTRICT,
   THIRUNEVELVELI,
   TAMIL NADU - 627 001
   ALSO RESIDING AT
   NO. 141, TILAKA NAGAR,
   CHEMBURU MUMBAI,
   MAHARASHTRA - 400 071.

...PETITIONER

(BY SRI. PAVAN KUMAR G., ADVOCATE)

Digitally signed by SUMA B N
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY ULLAL P.S
   REP BY SPP
   HIGH COURT BUILDING
   BANGALORE - 560 001

…RESPONDENT

(BY SRI.VINAY M., HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.7/2025 REGISTERED BY ULLAL P.S., PENDING ON THE FILE OF 7TH JMFC COURT, MANGALORE CITY, D.K., FOR THE OFFENCES P/U/S 126(2),127(7),309(4),324(6),331(5),61, 238,311,317(3),317(5),310(2),351(2) OF BNS, 2023, U/S 3(1),25(1B)(B),27(1) OF INDIAN ARMS ACT, 1959, U/S 4 OF ARMS ACT, 1959.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner, who is accused No.1 in Crime No.7/2025 registered in Ullala Police Station for the offences punishable under Sections 126(2), 127(7), 309(4), 324(6), 331(5), 61, 238, 311, 317(3), 317(5), 310(2), 351(2) OF BNS, 2023 and under Sections 4, 3(1), 25(1B)(b), 27(1) of the Indian Arms Act, 1959 is before this Court seeking grant of bail.

2. Learned counsel for the petitioner submits that the accused has been arrested on 23.01.2025 initially at Ambasamudram District, Tamil Nadu and thereafter by Transit Remand Order dated 21.01.2025 he was handed over to the respondent-police. Referring to the said transit order produced at page No.144 of the compilation, he points out that, the petitioner was only explained regarding grounds of arrest without furnishing the same. That mere explanation of the grounds of the arrest would neither comply with the mandatory requirement of Section 35 of BNSS nor does it cure the defect.

3. He further submits that though the accused-petitioner after having been brought to the respondent-Police Station issued with the grounds of arrest as per page number 141 of the compilation, the same is in Kannada, regional language, while the accused-petitioner is admittedly a Tamil speaking person and he does not know the Kannada language. Thus, on both the counts the arrest of the accused-petitioner is illegal and unsustainable.

He relies upon the judgments of the Apex Court:

1. ***Mihir Rajesh Shah Vs. State of Maharashtra and Another*** reported in (***2026) 1 SCC 500***

2. Ahmed Mansoor and Others Vs State reported in ***2025 SCC Online SC 2650.***

Hence, seeks for allowing of the petition.

4. Learned HCGP, in response furnishes a photocopy of arrest memo dated 20.01.2025 purportedly given to the accused at Ambasamudram. However, he does not dispute that the accused-petitioner was not served with the grounds of arrest initially and that later he was given grounds of arrest which is in Kannada language.

5. Heard and perused the records.

6. Admittedly, accused-petitioner has not been served with grounds of arrest at the initial stage of his arrest. Later, he has been served with grounds of arrest in Kannada, a regional language, while his mother tongue is stated to be Tamil and he is not knowing the Kannada language.

7. The Hon'ble Apex Court in the case of ***Mihir Rajesh Shah*** (Supra), wherein at para No.55, has held as under :

> *"This Court is of the opinion that to achieve the intended objective of the constitutional mandate of Article 22(1) of the Constitution of India, the grounds of arrest must be informed to the arrested person in each and every case without exception and the mode of communication of such grounds must be in writing in the language he understands".*

8. In the case of ***Ahmed Mansoor and Others*** (Supra), referring to its earlier judgments ***Pankaj Bansal Vs Union of India*** reported in ***(2024) 7 SCC 576***, ***Prabir Purkayastha Vs. State (NCT of Delhi)*** reported in ***(2024) 8 SCC 254*** and ***Vihaan Kumar Vs. State of Haryana*** reported in ***(2025) 5 SCC 799,*** the Hon'ble Apex Court at paragraph No.9 held as under :

> "*In such view of the matter, we are inclined to hold that the present appeal deserves to succeed only on the ground that the mandate of furnishing the grounds of arrest at the time of securing the appellants has not been complied with. Therefore, we are not inclined to go into the merits of the case. However, while setting aside the order passed by the High Court and consequently setting aside the order of the arrest and remand, we would only say the liberty is granted to the respondents to take recourse to law, to arrest, if the case is made out".*
>
> (Emphasis Supplied by this Court)

9. Though, learned HCGP furnished a copy of memo of arrest handed over to the accused-petitioner by the Ambasamudram Police, in the light of the aforesaid position of

law, as rightly pointed out by the counsel for petitioner, arrest memo is distinct and different from the grounds of arrest required to be given as contemplated under law.

10. There being no dispute of the fact with regard to non-compliance of the statutory requirement and in the light of the enunciation of law of the Apex Court as noted above, the following :

ORDER

i) The criminal petition is ***allowed.***

(ii) The petitioner is directed to be enlarged on bail in Crime No.7/2025 of Ullala Police Station registered for the offences punishable under Sections 126(2), 127(7), 309(4), 324(6), 331(5), 61, 238, 311, 317(3), 317(5), 310(2), 351(2) OF BNS, 2023 and under Sections 4, 3(1), 25(1B)(b), 27(1) of the Indian Arms Act, 1959, subject to the following conditions:

a) Petitioner 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) He shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reasons;

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

d) He shall not involve in similar offences in future;

e) He 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) It is made clear that the respondent-police are at liberty to re-arrest the accused on compliance with the requirement of furnishing the grounds of arrest if prima facie case is made out against the accused.

Sd/-
(M.G.S. KAMAL)
JUDGE

RJ
List No.: 2 Sl No.: 1