HC-KAR

NC: 2026:KHC:62217
CRL.P No. 15249 of 2026

CNR: KAHC010680802026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15249 OF 2026

BETWEEN:

AYUB BAIG MUSAFI @ CHAN @ SAUDI CHAN
S/O. MUSAFI MUSTAFA,
AGED ABOUT 53 YEARS,
RESIDING AT NO.305,
GREEN MARKET BUILDING,
4TH CROSS, 1ST MAIN,
NEAR BENGALURU ONE OFFICE,
BALAJI KRUPA LAYOUT,
R.K. HEGADENAGARA,
SHIVARAM KARANTHA NAGARA,
BENGALURU CITY - 560 077.

...PETITIONER

(BY SRI. A.S. KULKARNI, ADVOCATE)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

AND:

THE STATE OF KARNATAKA
BY RAJANUKUNTE POLICE STATION,
BENGALURU DISTRICT.
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP)

THIS CRL.P IS FILED U/S 439 CR.P.C. (FILED U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER / ACCUSED NO.2 ON BAIL IN C.C.NO.8169/2021 (RAJANUKUNTE P.S. IN CR.NO.105/2014) FOR THE ALLEGED OFFENCE P/U/S 342, 395 OF IPC ON THE FILE OF THE LEARNED II A.C.J.M BENGALURU RURAL DIST. BENGALURU.

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 CC No.8169 of 2021 pending before the Court of II Additional Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru, arising out of Crime No.105 of 2014 registered by Rajanukunte Police Station, Bengaluru City for the offence punishable under Section 342 and 395 of IPC, 1860, 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. Perusal of the material on record would go to show that the petitioner, who was earlier arrested in the present case, was granted regular bail. It appears that after charge sheet was filed in the present case, the petitioner had not appeared before the committal Court. Therefore, a spit-up case was registered against him in CC No.8169 of 2021. In the said case, his presence was secured before the Court on 01.08.2026 and on the said date, he was remanded to judicial custody. His bail application filed thereafter before the jurisdictional Sessions Court in Crl.Misc.No.10195 of 2026 was rejected on 24.08.2026. Therefore, he is before this Court.

4. As per the charge sheet allegations on 10.06.2014 at about 02:00 a.m., when CW1 and CW2, had parked their lorry bearing registration No.KA-03/A-3886 in front of Anand Steel Shop at Singanayakanahalli within the jurisdiction of Rajanukunte Police Station, the accused persons who came there in a car bearing Registration No.KA-53-A-2511, allegedly threatened CW1 and CW2,

committed dacoity of iron rods weighing about 15 tons and 930 K.G worth about Rs.7,00,000/-. It is under these circumstances, FIR was registered against unknown persons and subsequently, charge sheet is filed against 5 persons.

5. It is not in dispute that the petitioner who was earlier arrested in the present case was granted regular bail on merits of the case. Only for the reason that he had not appeared before the Court, subsequent to the grant of bail, he has now been arrested and remanded to judicial custody.

6. Learned counsel for the petitioner has submitted that except the present case, the petitioner has no other criminal antecedents. Petitioner is aged about 53 years and is said to be a married man. It is also brought to the notice of this Court that the case as against the other accused, which was committed in pending in SC No.100025 of 2021 and in the said case, all the material

charge-sheet witnesses have turned hostile. Be that as it may, fact remains that on merits of the case the petitioner was earlier granted bail in the present case. For the mistake committed by him by not appearing before the Court after being granted bail, he has been now sufficiently punished.

7. Under the circumstances, I am of the opinion that the prayer made by the petitioner for grant of regular bail needs to be answered affirmatively, subject to appropriate conditions. Accordingly, the following:

O R D E R

(i) The Criminal Petition is allowed.

(ii) The petitioner is directed to be enlarged on bail in CC No.8169 of 2021 pending before the Court of II Additional Chief Judicial Magistrate, Bengaluru Rural District, Bengaluru, arising out of Crime No.105 of 2014 registered by Rajanukunte Police Station, Bengaluru City

for the offence punishable under Section 342 and 395 of IPC, 1860, subject to the following conditions:

a) The 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) The petitioner 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 off.

f) The petitioner shall appear before the Station House Officer (S.H.O) of Rajanukunte Police Station on third Sunday of the month between 10.00 a.m. and 1.00 p.m. and mark his attendance regularly till the case registered against him is disposed of.

g) The petitioner shall also furnish his address proof and his mobile phone number before the Station House Officer (S.H.O) of Rajanukunte Police Station, Bengaluru City.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

AMM
List No.: 1 Sl No.: 59