HC-KAR

NC: 2026:KHC:65543
CRL.P No. 15574 of 2026

CNR: KAHC010698482026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15574 OF 2026

BETWEEN:

1. MOHAMMED AREEF
S/O H. BAVA
AGED ABOUT 27 YEARS
MUNDELU, MIJARU, PUTHIGE
R/AT 5-120/6, ZAREENA MANZIL
MUNDELU, MIJARU, PUTHIGE
BADAGU MIJARU, MANGALORE
(NOW IN JUDICIAL CUSTODY)

...PETITIONER

(BY SRI BALAKRISHNA M.R, ADV.)

AND:

1. THE STATE BY BANTWALA
RURAL POLICE STATION
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU 560 001.

...RESPONDENT

(BY SRI CHANNAPPA ERAPPA, HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO PASS AN ORDER TO RELEASE HIM ON BAIL PENDING TRIAL IN CRIME NO.104/2025 DATED 12.07.2025 FOR THE ALLEGED OFFENCES PUNISHABE UNDER SECTIONS 303(2) AND 307 OF THE BNS, 2023, UNDER SECTIONS 4, 5, 7 AND 12 OF THE KARNATAKAPREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT, 2020, UNDER SECTION 11D OF THE PREVENTION OF CRUELTY TO ANIMALS ACT, AND UNDER SECTIONS 3(1)(ii), 3(2) AND 3(4) OF THE KCOCA.

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

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CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

Accused No.2 in Crime No.104/2025 registered by Bantwala Rural Police Station, Dakshina Kannada district for the offences punishable under Section 303(2), 307 and 238 of BNS, 2023 and Sections 4, 5, 7 and 12 of Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 and Section 11D of the Prevention of Cruelty to Animal Act and Sections 3(1)(ii), 3(2) and 3(4) of Karnataka Control of Organised Crime Act, 2000 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. FIR in Crime No.104/2025 was registered by Bantwala Rural Police Station, Dakshina Kannada district for the offence punishable under Section 303(2) of BNS, 2023 against unknown persons, based on the first information dated 12.07.2025 received from Sri Sesappa (CW-1). In the said case, the petitioner was produced before the jurisdictional Court under body warrant on 18.05.2026 and subsequently remanded

to judicial custody. After completing investigation, charge sheet is filed for the aforesaid offences. Petitioner's bail application filed before the Court of Special Judge in Crime No.104/2025 was rejected on 03.09.2026. Therefore, he is before this Court.

4. In the first information dated 12.07.2025, it is alleged that on the said date at about 12:00 in the night, some persons who came in a car forcibly loaded the cow belonging to CW-1 into the said car and escaped. It is under these circumstances, FIR was registered against unknown persons for the offence punishable under Section 303(2) of BNS, 2023. During the course of investigation, the petitioner and other accused persons were arrested in the present case and charge sheet is now filed against the accused for the aforesaid offences.

5. Learned High Court Government Pleader has brought to the notice of this Court that the petitioner is a person with criminal antecedents and four other similar cases are registered against him.

6. Learned counsel for the petitioner, however, has brought to the notice of this Court that the petitioner has been granted bail in all the said cases and in the present case, only based on the confession statement of the co-accused, he was subsequently arrested and remanded to judicial custody.

7. As per the charge sheet allegations, on the alleged date of the incident, accused Nos.1 to 4, who came in a Hyundai Creta car bearing registration No.KA-20-MB-9358, which was driven by the petitioner herein, had forcibly loaded the cow belonging to CW-1 into the said car and thereafter escaped from the spot. CWs-1, 2, 6 and 7 are said to be the persons who were present at the spot when the cow was forcibly loaded to the car by accused Nos.1, 3 and 4. However, the charge sheet material would go to show that test identification parade has not been held in the present case till date. The alleged offences are not exclusively punishable with life imprisonment or death sentence. The petitioner is in custody in the present case for the last more than six months. Trial in the case is yet to commence.

8. Considering the aforesaid aspects of the matter, 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:

ORDER

i) The Criminal Petition is ***allowed***.

ii) The petitioner is directed to be enlarged on bail in Crime No.104/2025 registered by Bantwala Rural Police Station, Dakshina Kannada district for the offences punishable under Section 303(2), 307 and 238 of BNS, 2023 and Section 4, 5, 7 and 12 of Karnataka Prevention of Slaughter and Preservation of Cattle, 2020 and Section 11D of Prevention of Cruelty to Animal Act and Sections 3(1)(ii), 3(2) and 3(4) of Karnataka Control of Organised Crime Act, 2000, 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 Bantwala Rural Police Station on every second and fourth Saturday 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 off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

SHS
List No.: 1 Sl No.: 44