HC-KAR

NC: 2026:KHC:63554
CRL.P No. 15697 of 2026

CNR: KAHC010701302026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 15697 OF 2026

BETWEEN:

1. SRI. SHIVA KUMAR @ SHIVA @ KUMARA
S/O LATE RAMESH
AGED ABOUT 33 YEARS,
R/O C/O NEAR GOVINDAPPA GARDEN,
NEAR K.S.R.T.C. QUARTERS,
PIPELINE ROAD, KANAKAPURA TOWN
BANGALORE SOUTH DISTRICT - 562 117.

2. SRI. SIDDARAJU
S/O SOMANNA
AGED ABOUT 20 YEARS
R/O C/O NEAR GOVINDAPPA GARDEN,
NEAR K.S.R.T.C. QUARTERS,
MADDUR, MANDYA DISTRICT - 571 428.

...PETITIONERS

(BY SRI. VINOD KUMAR, ADVOCATE)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA
BY KANAKAPURA TOWN POLICE STATION,
REP. BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU - 560 001

...RESPONDENT

(BY SRI. RAHUL RAI K, HCGP)

CNR: KAHC010701302026

THIS CRL.P IS FILED U/S 439 OF CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONERS/ACCUSED NOs.1 AND 2 ON REGULAR BAIL IN SC.NO.5043/2025 ARISING OUT OF CR.NO.47/2025 REGISTERED BY KANAKAPURA TOWN P.S., FOR THE OFFENCES P/U/S 103(1), 309(6) R/W 3(5) OF BNS, 2023, PENDING BEFORE THE HONBLE II ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU SOUTH DISTRICT, SITTING AT KANAKAPURA.

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 Nos.1 and 2 in SC.No.5043/2025 pending before the Court of II Additional District and Session Judge, Bengaluru South District, sitting at Kanakapura, arising out of Crime No.47/2025 registered by Kanakapura Town Police Station, for offences punishable under Sections 103(1) and 309(6) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 ('BNS' for short) are before this Court in this petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.47/2025 was registered by Kanakapura Town Police Station for offence punishable under Section 309(6) of the BNS against unknown persons, based on the first information dated 27.03.2025 received from Syed Shafi son of deceased Syed Sabusab, aged 87 years. In the said case, petitioners were arrested on 28.03.2025 and remanded to the judicial custody. Their bail application filed before the jurisdictional Sessions Court in Crl.Misc.No.5118/2026 was rejected on 21.07.2026. Therefore, they are before this Court.

4. In the first information dated 27.03.2025 submitted by the son of deceased Syed Sabusab, it is mentioned that on 19.03.2025 at about 01.00 p.m., when Syed Sabusab was returning home after collecting his pension amount from the local post office, two rag pickers allegedly snatched the pension amount of Rs.4,000/- from Syed Sabusab after assaulting him with their hands and managed to escape. In respect of the alleged incident that had taken place on 19.03.2025, the

complaint was belatedly lodged on 27.03.2025 by the son of Syed Sabusab. Material on record would go to show that on 19.03.2025 after the alleged incident had taken place, Syed Sabusab had returned home and had informed about the incident to his son, but neither Syed Sabusab nor his son had reported the incident to the Police on the said day. It appears that injured Syed Sabusab was admitted to the hospital on 27.03.2025 and thereafter, the FIR was registered against unknown persons. Subsequently, Syed Sabusab had died in the hospital while undergoing treatment on 07.04.2025 and it is under these circumstances offences punishable under Section 103(1) of the BNS has been invoked in the present case against the accused.

5. It is not in dispute that petitioners herein do not have any criminal antecedents. The entire case of the prosecution is based on circumstantial evidence. Except recovery of a sum of Rs.300/- from the possession of the accused and a piece of coconut plant branch used for the purpose of assaulting deceased, nothing has been seized in the

present case and no other incriminating material is found as against the petitioners at this stage.

6. It is brought to the notice of this Court by the learned counsel for the petitioners that material charge sheet witnesses have been already examined in the present case.

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

ORDER

(i) The criminal petition is ***allowed***. The petitioners are directed to be enlarged on bail in SC.No.5043/2025 pending before the Court of II Additional District and Session Judge, Bengaluru South District, sitting at Kanakapura, arising out of Crime No.47/2025 registered by Kanakapura Town Police Station for the offences punishable under Sections 103(1) and 309(6) read with Section 3(5) of the BNS, 2023, subject to the following conditions:

a) The Petitioners shall execute a personal bond for a sum of Rs.50,000/- each with one surety for the likesum, to the satisfaction of the jurisdictional Court;

b) The petitioners shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts their appearance for valid reasons;

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

d) The petitioners shall not involve in similar offences in future;

e) The petitioners shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

JY
List No.: 1 Sl No.: 70