HC-KAR
NC: 2026:KHC:62206
CRL.P No. 15921 of 2026
CNR: KAHC010712502026

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. 15921 OF 2026

BETWEEN:

1. ARABAS SAB @ ARBAS,
   S/O JABBAR PASHA,
   AGED ABOUT 26 YEARS,
   R/AT 12, GADIVENKATAPPA STREET,
   NEW MASJID MOHALLA, MAGADI TALUK,
   RAMANAGARA DISTRICT - 562 120.

2. SHABAZ KHAN @ SHAHABAZ KHAN,
   S/O JABBAR PASHA,
   AGED ABOUT 31 YEARS,
   R/AT 12, GADIVENKATAPPA STREET,
   NEW MASJID MOHALLA, MAGADI TALUK,
   RAMANAGARA DISTRICT - 562 120.

...PETITIONERS

(BY SRI. VASANTHA KUMAR J., ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA,
BY MAGADI POLICE STATION,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI.RAHUL RAI K., HCGP)

CNR: KAHC010712502026

THIS CRL.P. IS FILED U/S 438 OF CR.PC (FILED U/S 482 BNSS) PRAYING TO GRANT ANTICIPATORY BAIL, WHO ARE PETITIONERS /ACCUSED NO- 1 AND 2 IN THE EVENT OF THEM ARREST IN CR.NO.197/2026 ON THE FILE OF HONBLE PRL. CIVIL JUDGE (JR.DN) AND JMFC COURT AT MAGADI, RAMANAGARA DISTRICT. FOR THE OFFENCE PUNISHABLE UNDER SECTION 189(2), 109, 115(2), 118(1), 49, 352, 351(1), 190 OF BNSS ACT 2023, IN RESPECT OF THE PETITIONERS.

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 Crime No.197/2026 registered by Magadi Police Station, Ramanagara South District, for offences punishable under Sections189(2), 109, 115(2), 118(1), 49, 352, 351(1), 190 of the Bharatiya Nyaya Sanhita (BNS), 2023, are before this court in this petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita Act, 2023, seeking anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and learned High Court Government Pleader for respondent-State.

3. FIR in Crime No. 197/2026 registered by Magadi Police Station, Ramanagara South District for the aforesaid offences against petitioners herein and others based on first information dated 08.09.2026 received from Mohan A., who is the injured victim in the present case. Apprehending arrest, the petitioners had filed Crl.Misc.No.717/2026 before the Court of III Additional District and Sessions Judge, Ramanagar, which was dismissed on 07.10.2016. Therefore, they are before this Court.

4. According to the prosecution accused No.2 Shabaz Khan had borrowed a sum of Rs.10,000 from Madan who is the brother of the injured Victim Mohan. When Madan had requested to repay the money borrowed by accused no. 2, he allegedly threatened him with dire consequences. On 06.09.2026, Madan had contacted accused No. 2 over phone and requested him to repay the money and therefore, accused No.2 allegedly asked Madan to come near his house for collecting the money. Accordingly, Madan and the injured victim Mohan had gone near the house of Accused No.2 who allegedly asked them to come near Charminar Hotel.

Subsequently, injured victim and his brother Madan went near Charminar Hotel. Accused Nos. 1 to 8 and others who were present near the said hotel allegedly quarreled with injured victim and his brother Madan and thereafter accused No. 1 assaulted injured victim Mohan on his nose with a weapon and as a result he suffered blood oozing injuries. It is also alleged that the other accused persons assaulted the injured victim and his brother Madan with hands and kicked them.

5. Injured victim-Mohan had thereafter taken treatment in a Government hospital at Magadi and had subsequently approached the police on 08.09.2026. The wound certificate of injured victim Mohan issued by Government Hospital, Magadi, would go to show that injury no. 1 which is on his nose is certified as a grievous injury. The said injury corresponds to the assault made by accused No. 1 on the alleged date of incident with a weapon. Therefore, I am of the opinion, prayer made by accused No. 1 cannot be entertained while the prayer made by accused No. 2 can be answered in the affirmative. Accordingly, the following:

ORDER

The criminal petition is partly allowed.

Petition against accused No.1 is dismissed and allowed as against accused No.2.

The respondent - Police or any other police in the State of Karnataka are directed to release the accused No.2 in the event of his arrest in Crime No.197/2026 registered by Magadi Police Station, Ramanagara South District, for offences punishable under Sections 189(2), 109, 115(2), 118(1), 49, 352, 351(1), 190 of the Bharatiya Nyaya Sanhita (BNS), 2023, subject to the following conditions:

a. Accused No.2 shall appear before the Investigating Officer within 15 days from the date of receipt of the copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of the investigating officer.

b. He shall regularly appear before the Trial Court without fail unless exempted by the Trial Court for valid reasons.

c. He shall not tamper with the prosecution witnesses and he shall co-operate with the police for investigation and appear before them whenever called upon.

d. He shall not involve in similar offences in future.

SD/-
(S VISHWAJITH SHETTY)
JUDGE

HR
List No.: 1 Sl No.: 73