HC-KAR

NC: 2026:KHC:61370
CRL.P No. 16188 of 2026

CNR: KAHC010729542026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 16188 OF 2026

BETWEEN:

SATHYA @ MOHAMAD SULTHAN
@ SATHYA @ MAHAMAD SULTHAN
S/O RAVI
AGED ABOUT 31 YEARS
R/AT NO. 2119, NEAR LAKSHMI
TENT HOUSE, 2ND CROSS
NARASIMHA LAYOUT, RAMAMURTHY NAGAR
BENGALURU CITY - 560 016.

...PETITIONER

(BY SMT. SHIVAMMA D, ADV.)

AND:

STATE OF KARNATAKA
STATE BY AVALAHALLI P.S.
RPTD BY STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BANGALORE - 560 001.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

CRL.P FILED U/S 439 CR.P.C (U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO PASS AN ORDER OF BAIL ENLARGING THE PETITIONER IN CR.NO.175/2024 (SC.NO.321/2024) REGISTERED BY AVALAHALLI P.S., PENDING BEFORE THE VI ADDL. DISTRICT AND SESSIONS JUDGE, AT BENGALURU RURAL, FOR THE OFFENCES P/U/S 302,201 R/W 34 OF IPC.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Accused no.2 in S.C.No.321/2024 pending before the Court of VI Addl. District & Sessions Judge, Bengaluru Rural, arising out of Crime No.175/2024 registered by Avalahally Police Station, Bengaluru District, for the offences punishable under Sections 302, 201 read with 34 of IPC, is before this Court in this successive petition filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned Counsel for the parties.

3. FIR in Crime No.175/2024 was registered by Avalahally Police Station, Bengaluru District, for the aforesaid offences against unknown person, based on the first information dated 27.05.2024 received from Chidambaram S/o Viswanathan. In the said case, petitioner and another were arrested on 03.07.2024 and remanded to judicial custody. After completing investigation, charge sheet is filed against two persons for the aforesaid offences, in which, petitioner is arrayed as accused

no.2. Bail application filed by the petitioner before the jurisdictional Sessions Court was earlier rejected, and therefore, he had approached this Court in Crl.P.No.3862/2025, which was dismissed as withdrawn with liberty to file a fresh bail petition after material charge-sheet witnesses are examined. It is under these circumstances, petitioner is before this Court.

4. It is brought to the notice of this Court that accused no.1 as against whom similar allegations are found in the charge sheet, has been now granted regular bail by this Court in Crl.P.No.13056/2026 disposed of on 17.09.2026. In paragraph nos.4 & 5 of the order passed in Crl.P.No.13056/2026, it is observed as under:

> "4. Material on record would go to show that accused No.1 is the driver of an auto-rickshaw and accused No.2 is his friend. On 24.05.2024, accused No.1 with an intention to rob the money of a passenger who was travelling in his auto-rikshaw, had allegedly taken the passenger to various places and subsequently picked up accused No.2 in his auto-rickshaw. Accused Nos.1 and 2 thereafter took the passenger, who is the deceased in the present case, to an isolated place and assaulted him with cement and brick on his head and committed his murder.

Subsequently, they allegedly took the cash which deceased Jayaram was having and also got transferred certain money from his mobile phone to the accounts of their friends and escaped from the spot of crime.

5. The entire case of the prosecution is based on circumstantial evidence. It is not in dispute that except the present case, the petitioner has no other criminal antecedents. He is in custody for the last more than two years. Though CW-17 is cited as an eyewitness in the charge sheet, a reading of her statement under Section 161 of Cr.P.C would go to show that she was only a last seen witness. The trial in the case is yet to commence."

5. Petitioner and accused no.1 were arrested together in the present case and remanded to judicial custody. Under the circumstances, I am of the opinion that petitioner's prayer for grant of regular bail is required to be granted on the ground of parity. Accordingly, the following order:

6. The petition is allowed. The petitioner is directed to be enlarged on bail in S.C.No.321/2024 pending before the Court of VI Addl. District & Sessions Judge, Bengaluru Rural, arising out of Crime No.175/2024 registered by Avalahally Police Station, Bengaluru District, for the offences punishable under

Sections 302, 201 read with 34 of IPC, 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) 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.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE

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