HC-KAR

NC: 2026:KHC:62692
CRL.P No. 16189 of 2026

CNR: KAHC010730262026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO. 16189 OF 2026

BETWEEN:

MR. SHAKIL @ MOHAMMAD SHAKIL
S/O ISMAIL, AGED ABOUT 35 YEARS
R/AT WEST GATE APARTMENT
DOOR NO.104, MARNAMIKATTE CIRCLE
JEPPU, MANGALURU, DAKSHINA KANNADA
DISTRICT - 575 002 (NAME AGE AND
ADDRESS IS AS PER BAIL REJECTED ORDER
IN CRL. MISC NO.648/2026)

...PETITIONER

(BY SRI ARUNA BANGERA, ADV.)

AND:

STATE OF KARNATAKA
THROUGH THE SUB-INSPECTOR OF POLICE
MANGALURU SOUTH POLICE STATION
MANGALURU CITY, REPRESENTED BY
THE LEARNED STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 01.

...RESPONDENT

(BY SRI RAHUL RAI K, HCGP)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNNS) PRAYING TO GRANT REGULAR BAIL TO THE PETITIONER/ACCUSED NO.2 (SHAKIL @MOHAMMAD SHAKIL), IN CONNECTION WITH L.P.C. NO.104/2023 (ARISING OUT OF C.C. NO.2352/2016, SPLIT UP FROM C.C. NO.270/2015) ARISING FROM CRIME NO.236/2014 OF MANGALURU SOUTH POLICE STATION, MANGALURU CITY, PENDING ON THE FILE OF THE J.M.F.C. (II COURT), MANGALURU, REGISTERED

FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 364(A) AND 395 READ WITH SECTION 34 OF THE INDIAN PENAL CODE, 1860 (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.3 in C.C.No.2352/2016 pending before the Court of JMFC-II, Mangaluru, arising out of Crime No.236/2014 registered by Mangalore South Police Station, Mangalore City, for the offences punishable under Sections 364A, 395 read with 34 IPC, 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 petitioner who was arrested as accused no.5 in the charge sheet was shown as absconding accused, and therefore, a split up case was registered against him in C.C.No.2352/2016 and coercive steps were taken against him in the said case. He is now arrested and remanded to judicial custody on 08.07.2026. His bail application filed thereafter before the jurisdictional

Sessions Court in Crl. Misc. No.648/2026 was rejected on 18.09.2026. Therefore, petitioner is before this Court.

4. Learned Counsel for the petitioner, during the course of arguments, has brought to the notice of this Court that accused nos.2 & 3 who were tried for the charge-sheeted offences in S.C.No.123/2016 have been acquitted by the Trial Court vide judgment and order of acquittal dated 12.08.2021 and the said judgment and order of acquittal has attained finality. It is in this background, proceedings against accused no.4 was quashed by the coordinate bench of this Court in Crl.P.No.9145/2022 vide order dated 30.09.2022. Accused no.1 as against the whom a separate split up case is registered in C.C.No.1036/2025 was also arrested and he has been granted regular bail by this Court in Crl.P.No.4349/2025 disposed of on 15.04.2025. Under the circumstances, I am of the opinion that petitioner's prayer for grant of regular bail is required to be answered affirmatively, subject to appropriate conditions. Accordingly, the following order:

5. The petition is allowed. The petitioner is directed to be enlarged on bail in C.C.No.2352/2016 pending before the Court of JMFC-II, Mangaluru, arising out of Crime No.236/2014 registered by Mangalore South Police Station, Mangalore City, for the offences punishable under Sections 364A, 395 read with 34 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

KK