HC-KAR

NC: 2026:KHC:62205
CRL.P No. 16063 of 2026

CNR: KAHC010732842026

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. 16063 OF 2026

BETWEEN:

1. MR. M.RAKESH,
   S/O. NANJAPPA C.D,
   AGED ABOUT 34 YEARS,
   R/AT. 5TH CROSS,
   NEAR MARIYAMMA TEMPLE,
   ANJANAEYA AGRAHARA,
   BHADRAVATHI NEW TOWN,
   SHIVAMOGGA - 577 301.

2. MR. NAYAZ AHMED,
   S/O. VAJEER,
   AGED ABOUT 33 YEARS,
   R/AT. 3RD CROSS, DONABHAGATTA ROAD,
   OLD KALA GUDI,
   BHADRAVATHI NEW TOWN,
   SHIVAMOGGA - 577 301.

...PETITIONERS

(BY SRI.K.V.SATEESHCHANDRA, ADVOCATE FOR
SRI. GOPAL K B., ADVOCATE)

Digitally signed by NANDINI D
Location: HIGH COURT OF KARNATAKA

AND:

STATE OF KARNATAKA,
BY OLD TOWN POLICE STATION,
BHADRAVATHI TALUK,

SHIVAMOGGA - 577 301.
REPRESENTED BY ITS
STATE PUBLIC PROSECUTOR,
KARNATAKA HIGH COURT BUILDING,
BENGALURU - 560 001.

…RESPONDENT

(BY SRI.RAHUL RAI K., HCGP)

THIS CRL.P. IS FILED U/S 439 OF CR.PC (FILED U/S 483 BNSS) PRAYING TO ALLOW THE ABOVE CRIMINAL PETITION AND ENLARGE THE PETITIONERS ON BAIL IN BEFORE THE CITY CIVIL COURT (CCH-1) CRIME NO: 59/2026 OF OLD TOWN POLICE STATION, BHADRAVATHI, BEFORE THE PRL.CITY CIVIL COURT AT BENGALURU FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTIONS 109 (1), 189 (2), 191 (3), 61, 352, READ WITH SECTION 3(5), 190 OF THE BHARATIYA NAGARIKA SURAKSHA, 2023 AND SECTIONS 3(1) (ii) AND 3 (4) OF THE KARNATAKA CONTROL OF ORGANISED CRIME ACT, 2000, AND DIRECT THE PETITIONERS BE RELEASED ON BAIL.

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. 5 and 8 in Crime No.59 of 2026 registered by Old Town police station, Bhadravathi for

offences punishable under Sections 109(1), 189(2), 191(3), 61, 352 r/w Section 3 (5), 190 of Bharathiya Nagarika Suraksha, 2023 and under Section 3(1)(ii) and 3(4) of the Karnataka Control of Organized Crime Act, 2000, (for short, KCOC Act, 2000) are before this court in this petition filed under Section 483 of BNSS 2023 seeking regular bail.

2. Heard learned counsel for the petitioners and learned counsel appearing for the respondent-State.

3. FIR in Crime No.59/2026 was registered by the Old Town, police station, Bhadravathi for the aforesaid offences against H.S. Pramod @ Gandhi and others based on the first information dated 08.06.2026 received from Mehaboob S/o Fayaz. In the said case, accused 5 was arrested on 12.06.2026 and accused No. 8 was arrested on 27.06.2026. Subsequently, they were remanded to the judicial custody. The bail application

filed by petitioners before the Jurisdictional Sessions Court at Shivamogga was rejected. It appears that thereafter, the offences punishable under the KCOC Act were invoked against the accused in the present case. Therefore, petitioners had filed a fresh bail application before the Court of the Principal City Civil and Sessions Judge and Special Judge at Bengaluru in Crime No.59/2026, which was rejected on 09.10.2026. Therefore, petitioners are before this court.

4. In the first information submitted by Mehaboob, son of Fayaz K., who is the alleged eyewitness to the incident in question, it is alleged that on 08.06.2026, injured victim Vishwa alias Mudde Vishwa had come near the coffee shop of one Sabir at about 11:00 a.m. Vishwa alias Mudde Vishwa had received a phone call and he informed the caller that he was near the coffee shop of Sabir. Subsequently, 5 persons who came in a Swift Car bearing registration

No.KA-51-Z-9613, got down from the car armed with deadly weapons and after quarrelling with Vishwa, they allegedly assaulted Vishwa with the weapons which they had brought and managed to escape from the spot of crime. During the course of investigation, petitioners herein and some other accused persons have been arrested.

5. A reading of the material made available to this court would go to show that accused Nos. 2, 3, 5, 6 and 7 were the persons who had arrived at the spot of crime in the aforesaid swift car and had assaulted the victim Vishwa alias Mudde Vishwa.

6. It is brought to the notice of this court by learned High Court Government Pleader that injured victim has suffered grievous injuries in the incident in question and he was admitted in the hospital for a considerable period of time. Material on record would

also go to show that there is a rivalry between two gangs in Bhadravathi and as a result of the same the alleged incident had taken place. So far as accused No. 8 is concerned, the allegation against him is that he had informed the whereabouts of victim Vishwa @ Mudde Vishwa to accused No. 2. Except the said allegation, there is no other allegation against him. Undisputedly, he was not present at the spot of crime and he is not a person with criminal antecedents.

7. Under the circumstances, I am of the opinion that prayer made by accused No. 8 for grant of bail can be answered affirmatively, while the prayer made by accused No. 5 who had actively participated in the commission of the alleged offence, for grant of regular bail needs to be rejected, reserving liberty to file a fresh bail application before the Trial court after the charge sheet is filed.

8. Accordingly, I pass the following:

ORDER

Criminal petition is partly allowed.

Petition against accused No.5 is dismissed reserving liberty as aforesaid and allowed against accused No.8.

Accused No.8 in Crime No.59 of 2026 registered by Old Town police station, Bhadravathi for offences punishable under Sections 109(1), 189(2), 191(3), 61, 352 r/w Section 3 (5), 190 of Bharathiya Nagarika Suraksha, 2023 and under Section 3(1)(ii) and 3(4) of the Karnataka Control of Organized Crime Act, 2000, is directed to be enlarged on bail, subject to the following conditions:

a) Accused No.8 shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) He shall appear regularly on all the dates of hearing before the Trial Court unless the Trial

Court exempts his appearance for valid reasons;

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

d) He shall not involve in similar offences in future;

e) He 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

HR
List No.: 1 Sl No.: 76