NC: 2026:KHC:5493
CRL.P No. 16308 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION No. 16308 OF 2025 (439(Cr.PC) / 483(BNSS))

BETWEEN:

1. SRI. MOHAMMED HIDAYATH
   S/O MOHAMMED SHAFI
   AGED ABOUT 38 YEARS
   R/AT 10TH CROSS, OPP MANSUR MASJID
   ISLAMPUR, NELAMANGALA RURAL
   KARNATAKA - 562 123
   AADHAR No.799634146744

…PETITIONER

(BY SRI. IMRAN PASHA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   THROUGH NELAMANGALA RURAL POLICE STATION
   REP. BY STATE PUBLIC PROSECUTOR
   HIGH COURT OF KARNATAKA BUILDING
   BANGALORE – 560 001.

…RESPONDENT

(BY SMT. WAHEEDA M M, HCGP)

Digitally signed by LAKSHMINARAYANA MURTHY RAJASHRI
Location: HIGH COURT OF KARNATAKA

THIS CRL.P IS FILED UNDER SECTION 439 Cr.PC (FILED UNDER SECTION 483 BNNS) PRAYING TO GRANT AN ORDER OF ANTICIPATORY BAIL TO THE PETITIONER OR ACCUSED No.4 AS PER FIR IN CRIME No.0378/2025 OF RESPONDENT NELAMANGALA RURAL POLICE STATION SUB DIVISION NELAMANGALA FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 109(1), 190 OF THE BNS 2023 AND UNDER

SECTION 27(2) OF ARMS ACT 1959 BEFORE THE HON'BLE COURT OF PRL.CIVIL JUDGE AND JMFC COURT, NELAMANGALA, BANGALORE RURAL DISTRICT.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.6 (accused No.4 as per FIR) under Section 483 of BNSS praying to grant bail in Crime No.378/2025 of Nelamangala Rural Police Station, registered for offences under Section 109(1), 190 of BNS and Section 27(2) of Arms Act.

2. Heard learned counsel for the petitioner and learned HCGP for respondent/State.

3. Learned counsel for petitioner would contend that no overt act is alleged against the petitioner. The petitioner had contested election against the complainant in the year 2021 and lost in the said election. As per remand application, it is accused No.2 who has taken gun from accused No.4 and shot at the injured at the instance

of accused No.1. There is no role of this petitioner in commission of alleged offence. The petitioner is in judicial custody since 06.11.2025. As major portion of investigation is over, he is not required for further custodial interrogation. There are no criminal antecedents of the petitioner. On these grounds, he prayed to allow the petition.

4. *Per contra*, learned HCGP would contend that the investigation is in progress. There is a motive by this petitioner against the injured. The exact role of this petitioner is to be ascertained in the investigation. With this, she prayed to reject the petition.

5. Having heard the learned counsels, the Court has perused FIR, complaint and other materials placed on record.

6. As per averments of the complaint, accused No.1 was having grudge against the injured, who was in jail, had come on parole, was sitting in the real estate office of

accused Nos.6 and 7 and they were giving financial aid to accused No.1. An unknown person shot at the injured with a pistol and caused injury. As per averments of the complaint, at the instance of accused Nos.6, 7 and accused No.1, the said unknown person had shot at the injured. As per remand application, accused No.2 who took gun from this petitioner and who received information regarding movement of the injured from accused No.3, fired with the gun at the injured and caused injury. There is no over tact of firing is alleged against the petitioner. The petitioner is in judicial custody since 06.11.2025 and therefore, he is not required for further custodial interrogation. The petitioner has undertaken to co-operate with the police in further investigation, if any, and abide by any conditions to be imposed by this Court. There are no criminal antecedents of the petitioner.

7. Considering the above aspects, the petitioner has made out case for grant with bail conditions. In the result, the following:

ORDER

The petition is allowed. The petitioner is granted bail in Crime No.378/2025 of Nelamangala Rural Police Station, subject to following conditions:

a) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the jurisdictional Court.

b) The petitioner shall not tamper the prosecution witnesses either directly or indirectly.

c) The petitioner shall co-operate with Investigating Officer in further investigation, if any.

d) The petitioner shall attend the Trial Court on all dates of hearing unless exempted and co-operate for speedy disposal.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

DKB
List No.: 1 Sl No.: 15
Ct.sm