



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 11437 OF 2025

BETWEEN:

YOSHWA RAJENDRA @ JOSHWA RAJENDRA
S/O RAJENDRAN
AGED ABOUT 35 YEARS
NO.D.NO.3, CHANAL NO.6
RAKMA BAI NIVASA
GOPINATHA CHOUKA
DOMBIVIL, WEST MUNBAI
MAHARASHTRA-421202.

...PETITIONER

(BY SRI: TALHA ISMAIL BENGRE, ADVOCATE)

AND:

THE STATE OF KARNATAKA
BY ULLAL POLICE STATION
DAKSHINA KANNADA
REPRESENTED BY SPP HIGH COURT BUILDING
BENGALURU-560001.

...RESPONDENT

(BY SMT: WAHEEDA M.M., HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 CR.P.C
(UNDER SECTION 483 BNSS) PRAYING TO GRANT AN BAIL TO
THE PETITIONERS HEREIN BY ORDERING THE CONCERNED
AUTHORITY TO RELEASE THE PETITIONER ACCUSED NO.2 IN





THE CASE CRIME NO.7/2025 OF ULLALA POLICE, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 126(2), 127(7), 309(2), 309(4), 310(2), 351(2), 324(1) AND 3(5) OF BNS AND U/S 3(1), 4, 25(1B)(b) AND 27 OF ARMS ACT, PENDING ON THE FILE OF 7th JMFC COURT, MANGALORE.

THIS CRL.P, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Talha Ismail Bengre, learned counsel appearing for the petitioner and Smt M M Waheeda, learned High Court Government Pleader for the respondent - State.

2. Petitioner is accused No.2 in CC No.354 of 2025 for the offence punishable under Sections 126(2), 127(7), 309(4), 310(2), 351(2), 324(6), 331(5), 61, 238, 311, 317(3), 317(5) of BNS, 2023 and Sections 3(1), 4, 25(1B)(b) and 27(1) of Indian Arms Act, 1959.

3. Insofar as accused Nos.7, 8 and 9, the Investigating Officer who was summoned before the Court submitted to the



Court an affidavit that supplementary/additional charge sheet would be filed.

4. In respect of other accused persons, the co-ordinate Bench of this Court has already granted bail after hearing the prosecution. In fact, the master mind of the entire incident is accused No.1 who has been granted bail by the co-ordinate Bench of this Court after hearing the prosecution.

5. Insofar as the present petitioner is concerned, the role assigned to him as seen from Column No.17 is that, he was made to stand in front of co-operative society and to keep a watch, so as to prevent the other public entering into the society, while robbing the society. So also, there is an allegation that the present petitioner has purchased a gunny bag and after robbing of the society, accused No.2 and 7 have collected the ornaments and loaded the same into the gunny bag.

6. When accused Nos.2 and 7 were moving out of the society, CWs.1 to 5 raised alarm for the help. At that juncture, it is accused Nos.3 and 9 who have shown the gun point to



CWs.1 to 5 and made them silent. Column No.17 also reveals that the live bullet was handed over by accused No.3 to accused No.2 and thereafter, accused Nos.2, 7, 8 and 9 flee away from the spot and got into the car which was driven by accused No.1.

7. In other words, when there is no specific *overt act* as to actual robbing by accused No.2 and the persons who robbed the society and also threatened CWs.1 to 5 in a gun point, namely, accused No.3 has been granted bail and accused No.9 is still absconding, on the ground of parity alone, the present petitioner is to be enlarged on bail.

8. However, learned High Court Government Pleader would oppose the bail request contending that petitioner is the resident of Maharashtra and therefore, if enlarged on bail, there is no possibility of he appearing before the Court.

9. On considering the same, this Court is of the opinion that if three sureties are ordered, of which, one cash security, one local surety and one regular surety, the apprehension of the prosecution can be met with.



10. Accordingly, without expressing further opinion on merits of the matter, the following:

ORDER

The Criminal Petition is ***allowed*** on following conditions:

- (i) Petitioner - accused No.2 shall execute a bond for a sum of Rs.1,00,000/- with three sureties for the likesum, of which, one cash surety i.e., Rs.1,00,000/-, one local surety and one regular surety to the satisfaction of the learned Trial Judge;
- (ii) Petitioner - accused No.2 shall not threaten the prosecution witnesses, in any manner;
- (iii) Petitioner - accused No.2 shall attend the Court regularly;
- (iv) Petitioner - accused No.2 shall not leave the jurisdiction of Maharashtra and Karnataka State without prior permission;
- (v) Petitioner - accused No.2 shall not indulge in any criminal activities.



If there is violation of any one of the conditions, the prosecution is at liberty to move for cancellation of bail.

Ordered accordingly.

**Sd/-
(V SRISHANANDA)
JUDGE**

BGN
List No.: 1 Sl No.: 16