



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
CRIMINAL PETITION NO. 1258 OF 2026

BETWEEN:

MR. SACHIN T
AGED 26 YEARS
S/O D. THARANATHA
R/AT NO. 2-117, NADUMANE HOUSE
KUDUPU POST THIRUVAIL
MANGALURU- 574 151
(IN JUDICIAL CUSTODY
AT MANGALURU JAIL)

...PETITIONER

(BY SRI P.P. HEGDE, SR. COUNSEL
SRI PRUTHVIRAJ S, ADV.,)

AND:

THE STATE OF KARNATAKA
THROUGH THE POLICE INSPECTOR
MANGALURU RURAL POLICE STATION
MANGALURU - REPRESENTED BY
THE STATE PUBLIC PROSECUTOR
HIGH COURT OF KARNATAKA
BENGALURU - 01.

...RESPONDENT

(BY SRI RANGASWAMY R, HCGP FOR R-1;
SRI CLIFTON ROZARIO & MRUDULA V, ADV.,)

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.1 IN CONNECTION WITH SC.NO.115/2025 (ARISING OUT OF
CR.NO.37/2025 OF MANGALURU RURAL POLICE STATION) FOR THE
O/P/U/S 189(2),(4), 191(2),(3), 115(2), 118(2), 103(2), 238, 239,





240, 352 R/W 190 OF BNS 2023, PENDING ON THE FILE OF THE VI ADDL. DISTRICT AND SESSIONS JUDGE, AT D.K.,MANGALURU.

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.1 in S.C.No.115/2025 pending before the Court of Vi Addl. District & Sessions Judge, D.K., Mangaluru, arising out of Crime No.37/2025 registered by Mangaluru Rural Police Station, Mangaluru City, for the offences punishable under Sections 189(2)(4), 191(2)(3), 115(2), 118(2), 103(2), 238, 239, 240, 352 read with 190 of BNS, 2023, is before this Court in this criminal petition filed under Section 483 of BNSS, 2023, seeking regular bail.

2. Heard the learned Senior Counsel appearing for the petitioner, learned Addl. SPP on behalf of respondent-State and also learned Counsel appearing on behalf of the kin of the deceased.

3. FIR in Crime No.37/2025 was registered by Mangaluru Rural Police Station, Mangaluru, initially for the offences



punishable under Sections 103(2), 115(2), 189(2), 190, 191(1), 191(3), 240 of BNS, 2023, based on the first information dated 28.04.2025 received from Deepak Kumar S/o late Ganesh Kumar against the petitioner herein and others.

4. During the course of investigation of the case, petitioner was arrested on 29.04.2025 and remanded to judicial custody. After completing investigation, charge sheet has been filed against 21 persons and petitioner is arrayed as accused no.1 in the charge sheet. His bail application filed before the Sessions Court in S.C.No.115/2025 was rejected on 06.12.2025. Therefore, he is before this Court.

5. Learned Senior Counsel appearing for the petitioner submits that the allegation against the accused in the charge sheet are almost similar. Deceased was a stranger to all the accused persons and the incident in question had taken place after the deceased had entered the cricket playground and started shouting objectionable slogans. All the other accused in the present case who were arrested, have been granted bail. Petitioner who has no other criminal antecedents is in custody



for the last more than one year. Accordingly, he prays to allow the petition.

6. Per contra, learned Addl. SPP and the learned Counsel appearing on behalf of the kin of the deceased have seriously opposed the bail petition.

7. Learned Counsel appearing on behalf of the kin of the deceased submits that the ground of parity is not available in so far as the petitioner is concerned since the witnesses whose statement is recorded under Section 183 of BNSS, 2023, have made specific allegations against him. He has placed reliance on the following judgments and submits that considering the nature of allegations found against the petitioner which are serious in nature, his prayer for grant of regular bail is liable to be rejected.

1. *Tehseen S. Poonawalla vs. Union of India:(2018) 9 SCC 501*
2. *Tarun Kumar vs. ED: (2023) SCC Online SC 1486.*
3. *Nar Singh vs. State of Uttarakhand in First Bail Application No.1387/2021 dated 16.07.2021 before Uttarakhand High Court.*
4. *Kiran @ Holo Mafatbhai Parmar vs. State of Gujarat in Crl.Misc. No.22901/2024 dated 25.11.2024 before Gujarat High Court.*



5. *Kiran @ Holo Mafatbhai Parmar vs. State of Gujarat in SLP (Criminal) Diary No.32284/2025.*
 6. *Prasanta Kumar Sarkar vs. Ashis Chatterjee & another : (2010) 14 SCC 496.*
 7. *Sagar vs. State of Uttar Pradesh & another : (2025) SCC Online SC 2584.*
 8. *Ramesh Bhavan Rathod vs. Vishanbhai Hirabhai Makwana (Kote) & another : (2021) 6 SCC 230.*
8. In reply, learned Senior Counsel appearing on behalf of the petitioner submits that similar contentions were raised by the learned Counsel appearing on behalf of the kin of the deceased while opposing the bail petitions of other accused persons who have been granted bail and he also had placed reliance on the very same judgments. This Court has negated his contentions and has granted bail to the other accused.
9. Perusal of the averments found in the first information would reveal that on 27.04.2025, there was a cricket match in Kudupu Batra Kallurti temple ground, and at about 3.00 p.m., an unknown person arrived on the cricket ground and started raising objectionable slogans in the name of Pakistan. Being enraged, people who had gathered near the cricket ground tried to capture him and at that time, he ran towards Kallurti



temple. He was, therefore, chased and subsequently assaulted by the mob. As a result of the injuries sustained, the unknown person who raised objectionable slogans had died. It is in this background, FIR was registered in the present case.

10. The police during the course of investigation found that the name of deceased was Mohammad Ashraf. It is not in dispute that he was a stranger to all the accused persons named in the charge sheet and also to the members of the mob. The incident in question had taken place after the deceased had raised objectionable slogans. The attack on the deceased was neither premeditated nor there was any motive for the accused persons against the deceased. It is under these circumstances, accused nos.2, 3, 4, 5, 10, 11, 14, 15 and 18 to 20 have been granted bail in the present case.

11. Before the coordinate bench of this Court which has granted regular bail to accused no.3 in Crl.P.No.6850/2026, learned Counsel appearing on behalf of the kin of the deceased had raised similar objections and also had placed reliance on the very same judgments on which reliance has been now



placed by him. In paragraph nos.28 to 33 of the said order, the coordinate bench of this Court has observed as under:

"28. In other words, in respect of the same incident there are two reports. When the genesis of the crime in both the incidents are looked into, the whole incident has occurred at the spur of the moment inasmuch as the deceased voluntarily entered the cricket ground and disrupted the match that was being played peacefully.

29. Therefore, the prima facie materials available on record would indicate that there was no pre-concert or pre-meditation in attacking the injured. Again further expressing any opinion on the said aspect of the matter would hamper the rights of the parties and therefore, this Court does not want to discuss further on the said issue.

30. Fact remains that the petitioner and the deceased were unknown to each other and they were strangers. Therefore, the objections raised on behalf of the prosecution and the decisions relied on by the counsel for respondent No.2, in opposing the bail request even on the ground of parity, in the considered opinion of this Court, cannot be countenanced in law in view of the materials collected by the Investigating Agency in form the charge sheet.

31. The statements of the witnesses recorded before the Jurisdictional Magistrate will have its own value during the trial and it would not come in the way of this Court exercising its powers while accepting the request for grant of bail.

32. Further, no compelling reasons are also found against the petitioner herein so as to continue him in judicial custody any longer as he has been in custody from 29.04.2025. The Court



has also taken note of the fact that in the charge sheet, 216 witnesses have been cited who are to be examined as witnesses and said process may occupy considerable amount of time.

33. There cannot be any dispute as to the principles of law enunciated in the decisions relied on by the counsel for respondent No.2. But facts involved in the present case are altogether different in the decisions relied on by counsel for respondent No.2."

12. A reading of the charge sheet material would go to show that the allegation of assaulting the deceased are made against all the accused persons. The material available on record as against accused nos.2 & 3 and the petitioner herein are almost similar. It is not in dispute that the petitioner has no other criminal antecedents. He is in custody for the last more than one year. Trial in the case is yet to commence. The prosecution has cited 216 charge sheet witnesses in the present case, and therefore, chances of trial being completed and the case being disposed of in the near future is very remote. Under the circumstances, I am of the opinion that petitioner's prayer for grant of regular bail is required to be answered affirmatively. Accordingly, the following order:



13. The petition is allowed. The petitioner is directed to be enlarged on bail in S.C.No.115/2025 pending before the Court of Vi Addl. District & Sessions Judge, D.K., Mangaluru, arising out of Crime No.37/2025 registered by Mangaluru Rural Police Station, Mangaluru City, for the offences punishable under Sections 189(2)(4), 191(2)(3), 115(2), 118(2), 103(2), 238, 239, 240, 352 read with 190 of BNS, 2023, 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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