IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

CRIMINAL PETITION NO.4852 OF 2026

BETWEEN:

1. AKBAR
   S/O LATE ABDUL REHAMAN
   AGED ABOUT 40 YEARS
   R/AT NO.220/A, 30TH MAIN
   SWAGATH MAIN ROAD
   OPP K.G.HOSPITAL
   BTB AREA, TILAK NAGARA
   BENGALURU CITY
   KARNATAKA -560041

   (PETITIONER IN JUDICIAL CUSTODY)

…PETITIONER

(BY SRI. RAKSHITH R, ADVOCATE)

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY BEGURU PS
   REP BY SPP
   HIGH COURT OF KARNATAKA
   BENGALURU - 560060

…RESPONDENT

(BY SRI.VINAY MAHADEVAIAH, HCGP)

THIS CRL.P IS FILED U/SEC.439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE THE

PETITIONER ON BAIL IN CR.NO.416/2024 OF BEGURU P.S FOR THE OFFENCE P/U/SEC.103(1) OF BNS PENDING ON THE FILE OF LVIII ADDL.CITY CIVIL AND SESSIONS JUDGE AT BENGALURU IN S.C.NO.844/2025 AND ETC.

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 in S.C.No.844/2025 pending before the Court of LVIII Additional City Civil and Sessions Judge, Bengaluru arising out of the Crime No.416/2024 registered by the Beguru Police Station, Bengaluru for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023 is before this Court in this successive bail petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail.

2. Heard the learned counsel for the parties.

3. FIR in Crime No.416/2024 was registered by Beguru Police Station for the aforesaid offences against

the petitioner based on the first information dated 23.12.2024 received from Kashif Ahmed regarding death of Ali Afsar. In the said case, the petitioner was arrested on 24.12.2024 and remanded to judicial custody. His bail application filed before the jurisdictional Sessions Court was rejected and therefore, he had approached this Court in Crl.P.No.12190/2025, which was dismissed on merits vide order dated 11.09.2025. Subsequently, the petitioner had filed a fresh bail application before the trial Court in Crl.Misc.No.1584/2026, which was dismissed on 23.03.2026. It is under these circumstances, he is before this Court.

4. Learned counsel for the petitioner submits that the entire case of the prosecution is based on circumstantial evidence. P.W.1 (C.W.1) has not supported the case of the prosecution and he has been treated as a hostile witness. The petitioner, who is a married man, is in custody for the last more than 1 year 6 months. He is ready and willing to abide by any conditions that may be

imposed by this Court. Accordingly, he prays to allow the petition.

5. *Per contra*, learned High Court Government Pleader submits that the petitioner has confessed to C.W.22 - Amjad Khureshi immediately after the incident in question. He further submits that no change in circumstances has been made out for consideration of the successive bail application filed by the petitioner. Accordingly, he prays to dismiss the petition.

6. Perusal of the materials on record would go to show that C.W.7 and C.W.14 are the brothers of the deceased - Ali Afsar. It appears that the petitioner was initially working in the mutton shop of C.W.7 and C.W.14. Subsequently, he had left their shop and had joined the deceased - Ali Afsar and was working in his mutton shop. In the first information, it is averred that on 23.12.2024 at about 10.00 p.m. when the first informant was in the hospital, where his son was admitted, he received a phone

call informing him that the petitioner and the deceased had fought against each other. Immediately thereafter, the first informant had gone near the mutton shop of the deceased and found the dead body of his uncle - Ali Afsar. Subsequently, he allegedly was informed that the petitioner had committed the murder of Ali Afsar and had escaped from the scene. It is under these circumstances he had approached the Beguru Police Station and based on the first information, a FIR was registered against the petitioner. C.W.1 - Kashif Ahmed has now been examined as P.W.1 and his deposition made available to the Court would go to show that he has not supported the case of the prosecution and therefore, he has been treated as hostile witness.

7. Though the learned High Court Government Pleader submits that the petitioner has confessed to his brother - CW22 - Amjad Khureshi immediately after the incident, the records would reveal that statement of CW22 has been recorded on 25.02.2025, which is after a period

of two months from the alleged date of the incident. CW22 has not stated that he had informed about the alleged extra-judicial confession made by the petitioner to anybody else. The entire case of the prosecution is based on circumstantial evidence. It is not in dispute that the petitioner has no other any criminal antecedents. He is in custody for the last more than 1 year 6 months. Out of 38 charge sheet witnesses cited in the present case, as on this date, only one charge sheet witness has been examined as P.W.1 (C.W.1) and therefore, the chances of the trial being completed and the case being disposed of in the near future is remote. Considering the aforesaid aspects of the matter, I am of the opinion that the prayer made by the petitioner, who is a married man, for grant of regular bail needs to be answered affirmatively.

8. For the foregoing reasons, I proceed to pass the following:

ORDER

(i) The Criminal Petition is ***allowed***.

(ii) The petitioner is directed to be enlarged on bail in Crime No.416/2024 registered by the Beguru Police Station, Bengaluru for the offences punishable under Section 103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023, subject to the following conditions:

a) Petitioner shall execute a personal bond for a sum of Rs.1,00,000 (Rupees One Lakh only) with two sureties for the likesum, to the satisfaction of the jurisdictional Court;

b) 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) Petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

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

e) 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

NBM
List No.: 1 Sl No.: 50