

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE Mr. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION No.7711/2025

BETWEEN :

MOHAMMED MANIK HUSSAIN @
MOHAMMED MANIK
S/O LATE MOHAMMED HAMDUL @ MD HAMIDUL
AGE 26 YEARS, R/AT. NICHHA PADA
DYAD MANIK CHOWK VILLAGE
CHAR ASHARIYADAH POST
GODAGARI POLICE STATION
GODAGARI UPAZILLA
RAJSHAHI DIVISION AND
DISTRICT – 6290.
BANGLADESH COUNTRY. ... PETITIONER

(BY SRI LETHIF B, ADVOCATE)

AND :

STATE OF KARNATAKA
BY BAJPE POLICE STATION
D.K.DISTRICT
REP. BY SPP, HIGH COURT BUILDING
BANGALORE – 560 001. ... RESPONDENT

(BY SRI M R PATIL, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 439 OF Cr.P.C. PRAYING TO RELEASE HIM ON REGULAR BAIL IN CRIME No. 199/2024 (S.C.No.42/2025) FOR THE OFFENCE PUNISHABLE UNDER SECTIONS 319, 336(3), 340 OF BNS AND SECTIONS 12, 1A(a)(b), PASSPORT ACT AND SECTION 14 A AND B OF THE FORIGNERS ACT OF BAJPE POLICE STATION.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 20.01.2026, THIS DAY, **SHIVASHANKAR AMARANNAVAR J**, DELIVERED THE FOLLOWING;

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CAV ORDER

1. This petition is filed by accused No. 1 under Section 483 of BNSS praying to grant bail in S.C. No. 42/2025 (Crime No. 199/2024 of Bajpe Police Station) registered for offences punishable under Section 319, 336(3), 340 of BNS and Section 12-1A(a)(b) of Passport Act and Section 14-A and 14-B of Foreigners Act pending on the file of III Additional District and Sessions Judge, D.K. Mangaluru.

2. Heard learned counsel for petitioner and learned HCGP for respondent – State.

3. Learned counsel for petitioner would contend that the offences alleged against the petitioner are not punishable either with death or imprisonment for life. The maximum sentence provided for offence alleged against the petitioner is imprisonment which may extend to 8 years. Petitioner is in judicial custody since 11.10.2024 and as chargesheet is filed he is not required for custodial interrogation. There are no criminal antecedents of the petitioner. Petitioner who has been served with notice under Section 35(1) of BNSS has been arrested without adhering to the terms of the notice on the same day of the notice. Accused Nos. 2 and 3 have been granted bail. Accused No. 3 had filed a petition seeking quashing of the proceedings against him and the proceedings against him are stayed by this Court. The grounds of arrest are not furnished to the

petitioner. Petitioner does not understand Kannada language as he is a citizen of Bangladesh. On the point that the grounds of arrest are not furnished learned counsel for the petitioner is relying on the following decisions.

- a) Vihaan Kumar Vs. State of Haryana and another, 2025 SCC OnLine SC 269
- b) Mihir Rajesh Shah Vs. State of Maharashtra and another, 2025 SCC OnLine SC 2356
- c) Kasireddy Upender Reddy Vs. State of Andhra Pradesh and another, 2025 SCC OnLine 1228

4. Petitioner undertakes to appear before the trial Court on all dates of hearing and cooperate for speedy disposal of the case. The passport of the petitioner has already been seized and there is no threat of petitioner fleeing away from the country. With this learned counsel for petitioner has prayed to allow the petition.

5. per contra learned HCGP would contend that the petitioner has been arrested by Immigration Officer at airport when he was trying to fly to Dubai by creating an Indian passport with fake document, namely, Aadhar card. C.W.9 and C.W.10 have been shown as parents of petitioner in the Aadhar card but they are not the parents as per statements of C.W.9 and C.W.10. Petitioner has created Aadhar with the help of other accused persons. Petitioner is not an Indian citizen. If the petitioner is granted bail there are chances of he fleeing from country and not available for trial. On these grounds he prayed to reject the petition.

6. Having heard learned counsel for the parties, this Court has perused the charge sheet and other materials placed on record.

7. A perusal of the records indicate that the petitioner has not been furnished the grounds of arrest as contended by the learned counsel for petitioner.

8. As per charge sheet the case of the prosecution is that petitioner is a resident of Bangladesh, crossed border, came to India in the year 2017, created Aadhar card showing the names of C.W.9 and C.W.10 as his parents and obtained Indian passport. Petitioner was caught by Immigration Officer at Mangaluru airport when he intended to travel to Dubai. Investigation is over and chargesheet has been filed. Maximum sentence that can be imposed for offences alleged against the petitioner is imprisonment which may extend to 8 years. Petitioner is in judicial custody since 11.10.2024 and as chargesheet is filed he is not required for custodial interrogation. There are no criminal antecedents of the petitioner. Since the passport of the petitioner has been seized there is no flight risk.

9. Considering all these above aspects the petitioner has made out case for grant bail with conditions.

In the result, the following;

ORDER

Petition is allowed. Petitioner is granted bail in S.C. No. 42/20025 (Crime No. 199/2024 of Bajpe Police Station) pending on the file of III Additional District and Sessions Judge, D.K., Mangaluru subject to the following conditions.

- I. Petitioner shall execute a personal bond for a sum of Rs.1,00,000/- with two solvent sureties for the likesum to the satisfaction of the trial Court.
- II. Petitioner shall not tamper the prosecution witnesses either directly or indirectly.
- III. Petitioner shall attend the trial Court on all dates of hearing unless exempted and cooperate for speedy disposal of the case.
- IV. Petitioner shall attend the jurisdictional Police Station on every Sunday till disposal of the case registered against him.
- V. Petitioner shall not commit any offence. If the petitioner is found involved in commission of any

offence the prosecution is at liberty to seek
cancellation of bail granted to him.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

LRS