



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

CRIMINAL PETITION NO. 1774 OF 2026

(482(Cr.PC) / 528(BNSS))

BETWEEN:

SRI. BRIJESH INDIRA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



...PETITIONER

(BY SRI. TEJAS N., ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
BAGALUR POLICE,



BENGALURU - 562 149.
(REPRESENTED BY THE
LEARNED STATE PUBLIC PROSECUTOR,
HCK, BANGALORE - 01)

2. MRS. JOSPHINE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

...RESPONDENTS

(BY SRI. B.N. JAGADEESHA, ADDL. SPP FOR R1)

THIS CRL.P. IS FILED U/S 482 OF CR.P.C (U/S 528 BNSS)
PRAYING TO QUASH THE ORDER DTD 21.01.2026 PASSED BY
THE HONBLE V ADDL. DISTRICT AND SESSIONS JUDGE,
DEVANAHALLI, BENGALURU RURAL, REJECTING THE
APPLICATION U/S 485 OF BNSS, 2023 TO FURNISH SURETIES
AND BOND AND CONSEQUENTLY ALLOW THE SAID
APPLICATION BY PERMITTING THE PETITIONER TO FURNISH
SURETIES AND BOND AND ISSUE RELEASE INTIMATION AS
SOUGHT.

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



CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner is before this Court, seeking the following prayer:

PRAYER

Wherefore, the petitioner - accused No.1 most humbly pray that this Hon'ble Court may be pleased to quash the order dated:21-01-2026 passed by the Hon'ble V Additional District and Sessions Judge, Devanahalli, Bengaluru Rural, rejecting the application under section 485 of B.N.S.S., 2023 to furnish sureties & bond and consequently, allow the said application by permitting the petitioner to furnish sureties & bond and issue release intimation as sought for in the interest of justice and equity."

2. Heard Sri. Tejas N., learned counsel appearing for the petitioner, Sri. B.N. Jagadeesha, learned Addl. SPP appearing for respondent No.1 and have perused the material on record.

3. The petitioner is accused No.1 in S.C.No.15038/2025 registered for offences punishable under Sections 29(A), 25(AAA), 25(1B), (C), 25(B1)(A), 27(A), 27(3), 25(1), 25(1A) and 27(2) of the Arms Act, 1959 and under Sections 103(1), 238 read with Section 3(5) of the BNS, 2023.



4. The issue is not with regard to the merit of the matter.

The petitioner was directed to be set at liberty at the hands of the Co-ordinate Bench of this Court in Crl.P.No.6034/2025 dated 28.04.2025, by the following order:

"The petitioner was arrested on 20.01.2025 in crime No.6/2025 registered by the Bagaluru Police Station, Bengaluru, for the offence punishable under Section 103(1), 238 r/w 3(5) of BNS, 2023 and Section 25 (1)(1A) (1AA), 25(1)(B) (a) (c), 27(1)(2)(3) & 29(a) of the Arms Act, 1959 is before this Court seeking relief.

2. Petitioner's primary contention is that, the arrest stands vitiated for violation of Article 22(1) of the Constitution of India and for non-compliance of Section 47 of BNSS 2023, as no grounds of arrest was served on the petitioner at the time of arrest.

3. Heard the learned counsel for the petitioner and learned High Court Government Pleader of the respondent - State.

4. The Hon'ble Apex Court in the case of **Vihaan Kumar -vs- The State of Haryana & Another, reported in (2025) 2 SCR 424** has reiterated that the requirement of informing the person arrested of the grounds of arrest is not a mere formality, but a mandatory constitutional requirement. Article 22 is included in Part III of the Constitution under the heading of fundamental rights. Thus, it is the fundamental right of every person - who is arrested and detained in custody, to be informed of the grounds of arrest as soon as possible. If the grounds of arrest are not informed as soon as may be after the arrest, it would amount to a violation of fundamental right of the arrestee as guaranteed under Article 22(1). It will also amount to depriving the arrestee of his liberty, to effectively challenge the arrest. Article 21 of the Constitution states that no person can be deprived of his liberty, except in accordance with the procedure established by law.

5. In the light of the decision of the Apex Court in the aforesaid case, the arrest of the petitioner stands vitiated



for violation of Article 22(1) of the Constitution of India and for non-compliance of Section 47 of BNSS, and in such circumstances, the petitioner has established a prima facie case for his release from judicial custody.

6. Accordingly, the petition is allowed.

7. The Chief Superintendent of Central Prison, Parappana Agrahara, Bengaluru, is hereby directed to release the petitioner herein forthwith from judicial custody in Crime No.6/2025, registered by the Bagaluru Police Station, pending on the file of the learned Principal Civil Judge and J.M.F.C., Devanahalli, Bengaluru Rural, if he is not required in any other case, subject to the following conditions:

i) The petitioner-accused herein shall execute a personal bond for a sum of Rs.1,00,000/- with two sureties for the like sum of which, one will be the Local Surety to the satisfaction of the Trial Court within a period of two weeks from the date of his release;

ii) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses;

iii) The petitioner shall appear before the Investigating Officer as and when summoned;

iv) The Registry is directed to communicate this order to the Jail Authorities concerned forthwith without any delay through e-mail and telephonically.

Pending I.A.No.1/2025 does not survive for consideration and stands disposed of."

5. Pursuant to the passage of the order, the petitioner was set at liberty, as the condition indicated that the petitioner would give surety within 2 weeks **from the date of his release**. The order was passed on 28.04.2025, but the order was made



available on 05.05.2025. These are admitted facts. On 05.05.2025, the petitioner made arrangements for surety and appeared before the concerned Court on 19.05.2025. On the said date, the concerned Court declined to accept the surety and directed the petitioner to be taken into custody, all on the ground that the order of the Coordinate Bench as quoted *supra* has not been complied with. The petitioner, therefore, is back in prison and back to this Court seeking his release.

6. Learned Addl. SPP would seek to defend the action of the learned Magistrate in directing that the petitioner has not offered surety within the time stipulated by the Co-ordinate Bench of this Court and seeks dismissal of the petition.

7. The issue in the *lis* lies in a narrow compass at this juncture as to whether the petitioner is to be set at liberty, yet again. The petitioner was set at liberty by an order of the Co-ordinate Bench imposing certain conditions. The condition was that he should furnish surety within 15 days from his release. The order was made available on 05.05.2025. Therefore, the petitioner had time up to 19.05.2025, as the order was unequivocal that surety



was to be afforded, which was made condition precedent for his release within 2 weeks, which would be till 11.59 p.m. of 19.05.2025. Therefore, the petitioner appears before the learned Magistrate on 19.05.2025 and offers surety. The learned Magistrate by the impugned order rejects and directs him to be taken into custody.

8. The order of the learned Magistrate is, on the face of it, illegal, as the order of the Co-ordinate Bench was granting 15 days time and surety was offered on the 15th day. Merely because it is offered on the 15th day, does not mean that he would not be entitled to the benefit of the order of the Co-ordinate Bench. In that light, the only inescapable conclusion of this petition would be the release of the petitioner from prison with all conditions that are imposed by the Co-ordinate Bench.

9. For the aforesaid reasons, the following:

ORDER

(i) The petition is allowed.



- (ii) The order dated 21.01.2026 passed by the V Additional District and Sessions Judge, Devanahalli, Bengaluru Rural, is hereby set aside.
- (iii) The petitioner shall comply with the order of the Co-ordinate Bench and the moment he complies with the order of the Co-ordinate Bench, he shall be set at liberty without brooking any delay.

Sd/-
(M.NAGAPRASANNA)
JUDGE