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Abbas Khan @ Abbas vs State of Karnataka

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Court : Karnataka

Decided On : Mar-03-2026

Judge : S Rachaiah

Appeal No. : CRL.P/17631/2025

Appellant : Abbas Khan @ Abbas

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2026 BEFORE THE HON'BLE MR. JUSTICE S RACHAIAH CRIMINAL PETITION NO. 17631 OF 2025 (439(Cr.PC) / 483(BNSS)) BETWEEN:

1. ABBAS KHAN @ ABBAS

S/O AKRAM KHAN, AGE ABOUT 23 YEARS R/AT 3RD CROSS, MARALURU, JANATHA COLONY, TUMAKURU - 572 105. Digitally 2. MOHAMMAD DASTAGEER @ DASTAGEER signed by SREEDHARAN BANGALORE S/O MOHAMMED HANIEF SUSHMA LAKSHMI AGE ABOUT 20 YEARS, Location: High Court of R/AT 2ND CROSS, Karnataka MARALURU, JANATHA COLONY

TUMAKURU - 572 105. PETITIONERS (BY SRI. M SHASHIDHARA, ADVOCATE) -2- AND:

1. STATE OF KARNATAKA

BY JAYANAGAR PS REPRESENTED BY SPP HIGH COURT OF KARNATAKA BENGALURU - 560 001. RESPONDENT (BY SRI. B LAKSHMAN, HCGP) THIS CRL.P IS FILED U/S 483 BNNS PRAYING THAT TO RELEASE THE ABOVE NAMED PETITIONERS (ACCUSED NO.2 AND 4) ON REGULAR BAIL IN SC NO.47/2025 ORIGINATING FROM CRIME NO.184/2024 OF THE RESPONDENT JAYANAGARA POLICE FOR THE OFFENCES P/U/S 103(2), 189(2), 191(2), 191(3), R/W 190 OF BNS 2023 WHICH IS PENDING BEFORE THE II DISTRICT AND SESSIONS JUDGE, TUMAKURU AND ETC., THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH -3-

ORAL ORDER

1. The petitioners herein are arrayed as accused Nos.2 and 4 in Crime No.184/2024 filed by the respondent-Police for the offences punishable under Section 103(2), 189(2), 190, 191(2), 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short BNS). Factual matrix of the case:

2. The case of the prosecution is that the complainant

was staying in a rented house of one Khaleem along with his family. The father of the complainant had two wives. The complainant and his brother were the children of second wife. It is alleged that on 15.11.2024 around about 06.00 p.m. the father of the complainant had been to work at Chikkatotlakere and the complainant had been for welding work and returned home around about 08.00 p.m.

3. It is further alleged that the brother of the

complainant namely Rehan Pasha called over phone around 10.00 p.m for dinner. Later, around 10.30 p.m. Sadik Pasha along with other accused persons came near the house of the -4-

complainant and called Rehan Pasha to come down from the house. Around 10.45 p.m. the accused No.1 and other accused started quarreling with the said Rehan Pasha. It is further stated that accused No.2 assaulted with hands and accused No.1 stabbed on the stomach of the said Rehan Pasha, rest of the accused persons were facilitating accused No.1 to commit the offence. After the incident, immediately, the injured was shifted to Tumakuru Government Hospital for treatment. The doctor advised the complainant and others to take him to

Bangalore. While shifting the injured Rehan Pasha to Bangalore, he became unconscious, so, he was taken to Nelamangala Government Hospital, there the Doctor declared him as brought dead. Hence, this complaint.

4. Based on the said complaint the respondent-Police registered a case, conducted investigation and submitted charge-sheet.

5. Heard. Sri. M. Shashidhara, learned counsel for the petitioner and Sri. B. Lakshman, learned High Court Government Pleader for respondent. -5-

6. Learned counsel for the petitioners submits that the

petitioners herein are arrayed as accused Nos.2 and 4. Other accused persons who are similarly placed had been granted bail by the Co-ordinate Bench of this Court in Crl.P.No.11853/2025. The present petitioners are also standing on the same footing and overt-act of assault had been made against them. They are innocent of the alleged offences. They have been falsely implicated in this case. Hence they may be enlarged on bail not only on the merit but also on the ground of parity. Making such submissions learned counsel for the petitioner prays to allow the petition.

7. Per Contra, the learned High Court Government

Pleader for respondent vehemently submitted that the present petitioners along with accused No.5 were holding the deceased and facilitating accused No.1 to commit the offence. Therefore, they are not entitled for any relief as prayed for.

8. Heard learned counsel for the respective parties and perused the averments of the charge-sheet. On careful reading of the averments of the charge-sheet, it appears that the -6- present petitioners along with other accused were stated to have facilitated the accused No.1 to commit the offence.

9. Be that as it may, the Co-ordinate Bench of this

Court has granted bail to accused No.5 considering the overt-act of the said accused. After having gone through the said order, I concur with the findings given by the Co-ordinate Bench of this Court in respect of accused No.5. Therefore, I extend a facility of parity to the petitioners herein.

10. Accordingly, I proceed to pass the following:

ORDER

i. This Criminal Petition is allowed. ii. The petitioners are enlarged on bail on executing a personal bond for a sum of Rs.1,00,000/- each with one (01) surety each to the like sum of the satisfaction of the Trial Court. -7- iii. The petitioners shall not commit any similar offence till disposal of the present case. iv. The petitioners shall appear before the trial Court on all hearing dates. v. The petitioners shall not tamper the prosecution witnesses. In case, if, the petitioners violates any of the bail conditions stated above, liberty is reserved to the prosecution to take appropriate steps for cancellation of the bail. Sd/- (S RACHAIAH) JUDGE NM

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