HC-KAR

NC: 2025:KHC:49857
CRL.P No. 14233 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 14233 OF 2025
[(438(Cr.PC) / 482(BNSS)]

BETWEEN:

MUDASIR @ MUDDU
S/O MEHABOOB BASHA,
AGED ABOUT 24 YEARS,
R/AT :NO. 59, ARMSTRONG ROAD,
BHARATHINAGAR, BENGALURU,
KARNATAKA - 560 001.

...PETITIONER

(BY SRI. MOHAMMED ARSHAD, ADVOCTE FOR
SRI. MOHAMMED PASHA C., ADVOCATE)

AND:

STATE OF KARNATAKA
BY BYAPPANAHALLI P.S,
REP. BY HIGH COURT SPP,
HIGH COURT BUILDING
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. PUSHPALATHA B., ADDITIONAL SPP)

THIS CRL.P IS FILED UNDER SECTION 438 CR.PC (FILED UNDER SECTION 482 BNSS) PRAYING TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN C.C.NO.51982/2021 ARISING OUT IN CRIME NO.5/2025 BY BYAPPANAHALLI POLICE FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 397 OF

IPC, PENDING ON THE FILE OF X ADDITIONAL CHIEF METROPOLITAN MAGISTRATE, BENGALURU, IN THE EVENT OF HIS ARREST AGAINST THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This petition is filed by accused No.2 under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail in C.C.No.51982/2021 (arising out of Crime No.5/2020 of Byappanahalli Police Station) registered for offence punishable under Section 397 of Indian Penal code, pending on the file of X Additional Chief Metropolitan Magistrate, Bengaluru.

2. Heard learned counsel for petitioner and learned Additional State Public Prosecutor for respondent - State.

3. Learned counsel for petitioner would contend that, the petitioner has been granted bail in Crime

No.5/2020 on 10.02.2020 and subsequently, charge sheet has been filed. After filing of the charge sheet, the petitioner has not received any summons. Now, the petitioner apprehends his arrest as proclamation has been issued against him. He further submits that, the petitioner regularly appeared in Crime No.19/2020. There was a mis-communication between the petitioner and his counsel. Therefore, he could not appear in the said case. With these, he prayed to allow the petition.

4. Per contra, learned Additional State Public Prosecutor for respondent would contend that, the petitioner who was granted regular bail earlier is not entitled to anticipatory bail in the same crime. With these, she prayed for dismissal of the petition.

5. Having heard the learned counsels appearing for parties, the Court has perused the materials placed on record.

6. The case has been registered against the petitioner and others in Crime No.5/2020 of Byappanahalli Police Station for offence under Section 394 of IPC. Subsequently, the charge sheet has been filed against the petitioner and others for offence under Section 397 of IPC. During crime stage, the petitioner has been granted bail vide order dated 10.202020 and he has been released on bail. As the petitioner has not appeared before the Court, the jurisdiction Court has issued NBW. The petitioner got advanced the case on 17.06.2022 and filed an application under Section 70 of Cr.PC. and got recalled NBW issued against him. Subsequently, the petitioner has not appeared in the said case and the jurisdictional Court has issued NBW and proclamation. As the NBW and proclamation are issued, the petitioner is apprehending his arrest. The petitioner who has been granted regular bail in the same crime is not entitled to seek anticipatory bail in the same crime. The reasons assigned by the petitioner for his non-appearance before the Court i.e., for

mis-communication between the petitioner and his counsel is not acceptable reason. The petitioner can approach the trial Court and get NBW recalled.

7. Considering all the above aspects, the petitioner has not made out any grounds for grant of anticipatory bail. In the result, the Criminal Petition is ***dismissed***.

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 1 Sl No.: 51