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HC-KAR

NC: 2026:KHC:59251
CRL.P No. 15110 of 2026

CNR: KAHC010678062026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CRIMINAL PETITION NO. 15110 OF 2026

BETWEEN:

DAYEEN BANU.B.M,
D/O LATE MAHABOOB SHARIFF.B.S
AGED ABOUT 40 YEARS,
R/AT NO. 1977/1, 14TH WEST CROSS,
ASHOKA ROAD, LASHKAR MOHALLA,
MYSORE -570 001,
(NOW IN JUDICIAL CUSTODY
CENTRAL PRISON), BANGALORE.

...PETITIONER

(BY SRI/SMT HASHMATH PASHA, SENIOR ADVOCATE FOR
SRI NASIR ALI,ADVOCATE)

AND:

STATE OF KARNATAKA BY
VIDHAN SOUDHA POLICE,
BENGALURU.
(REPRESENTED BY LEARNED
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BANGALORE- 560 001).

...RESPONDENT

(BY SRI M N ANOOP KUMAR, ADDL.SPP)

THIS CRL.P IS FILED U/S 439 CR.PC (FILED U/S 483 BNSS) BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO ENLARGE HIM ON BAIL IN CR.NO.117/2024 OF VIDHANA SOUDHA P.S. BENGALURU CITY FOR THE OFFENCE P/U/S 318(4),79,3(5) OF BNS WHICH IS PENDING ON THE FILE OF

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THE HONBLE XLI ADDL.C.J.M AT BENGALURUTHE LXXI ADDL.CITY CIVIL AND SESSIONS JUDGE, BENGALURU HAS DISMISSED THE BAIL PETITION ON 26.09.2026 IN CRL.MISC.NO.9549/2026.

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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

Heard the learned Senior counsel appearing for the petitioner and the learned Additional State Public Prosecutor for the respondent-State.

2. This petition is filed seeking bail in connection with Crime No.117/2024 registered by Vidhana Soudha Police Station, Bengaluru City for the offences under Sections 318(4), 79 and 3(5) of Bharatiya Nyaya Sanhita, 2023. ('BNS')

3. Learned Additional State Public Prosecutor would submit that investigation is completed, and the charge sheet is filed against accused No.2 and 3. However, the charge sheet is not filed in respect of the petitioner as the petitioner had questioned the complaint in the FIR in Criminal Petition No. 2169/2025 and there was an interim protection granted to the

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petitioner, as such, the investigation was not carried out against the petitioner, and the said petition is dismissed vide order dated 05.08.2026 and the investigation is going on against the petitioner.

4. Learned Senior counsel appearing for the petitioner would submit that bail has been granted by the Sessions Court in favour of accused No.2 vide order dated 22.04.2025 and in favour of accused No.3, the Co-ordinate Bench of this Court has granted bail vide order dated 05.08.2026.

5. Learned Senior Counsel would submit that the contents of the complaint do not contain any allegation that the petitioner has received the so-called bribe amount allegedly demanded by the petitioner. The allegation in the complaint is, the petitioner has demanded the bribe from the complainant on the ground that the said amount is required to secure bail to the complainant's son and the said amount is required to be paid to the sitting Judge of the Court.

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6. Learned Senior counsel for the petitioner would submit that the maximum punishment that can be awarded for the aforementioned offence is 7 years imprisonment with fine.

7. It is the further submission that the petitioner is in custody since 17.09.2026 and while arresting the petitioner, notice has not been issued as required under Section 35(3) of the Bhartiya Nagarik Suraksha Sanhita, 2023.

8. Learned Senior counsel would also submit that the petitioner has no criminal antecedents, and the petitioner would co-operate with the investigation and abide by the terms and conditions of the bail in case, released on bail.

9. Learned Additional State Public Prosecutor would submit that the petitioner has committed a serious crime. She has demanded money from the complainant on the pretext that the said amount has to be given to the sitting Judge before whom the complainant's son's bail application was pending.

10. The Additional State Public Prosecutor would also submit that it is a case of gross professional misconduct on the part of the petitioner and complaint is filed before the Bar

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council for the professional misconduct and same is pending consideration.

11. Learned Additional State Public Prosecutor would also submit that in case the petitioner is released on bail, there is a possibility that the petitioner may commit similar offences and may induce the witnesses and may destroy the evidence.

12. It is the further submission that the investigation against the petitioner is not yet complete, as such, the petitioner is not entitled to bail.

13. The Court has considered the contentions raised at the Bar and perused the records.

14. There is no dispute that the maximum punishment that can be awarded for the offence alleged is 7 years imprisonment and fine. The remaining two petitioners have been granted bail. The allegations against the remaining two petitioners are, they collected money from the complainant on the pretext of bribing the Judge. Accused No.2 allegedly collected money stating that she knows the Judge and after collecting Rs.70,72,000/- has not replied to the calls of the

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complainant and allegation against accused No.3 is, he collected Rs.10,00,000/- stating that he would pay the amount to the Judge to secure the bail and bail was not granted and he issued 3 cheques for Rs.9,00,000/- to repay the amount and the said cheques have been dishonoured.

15. It is noticed that those two accused have been granted bail. However, bail is granted after the charge sheet filed against them.

16. In the instant case, investigation is not complete as against the present petitioner.

17. The learned Additional SPP would submit that the call details of the petitioner have been secured and the investigation is going on.

18. The learned Senior counsel for the petitioner would also refer to the judgment of the Apex Court in ***Arnesh Kumar vs. State of Bihar Kumar***[1] to contend that the Police was required to issue a notice to the petitioner before arresting and

[1] *(2014) 8 SCC 273*

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in case, the petitioner had not co-operated for investigation, then only they could have taken steps to arrest the petitioner.

19. It is an admitted fact that the petitioner is not accused of an offence which is punishable with death or imprisonment for life. It is also not disputed that there are no other criminal antecedents against the petitioner.

20. Learned Additional State Public Prosecutor would submit that the telephonic conversation between the petitioner and the victim have been recorded.

21. It is also noticed from the contents of the complaint that the allegation is the petitioner demanded amount in the name of the Judge to secure the bail order. The further allegation is Rs.72,000/- is collected and demanded Rs.1.00 lakh stating that the amount is demanded by the Judge.

22. The Court is of the view that in case the telephonic conversations and call details have been secured by the Investigating Agency, the petitioner's further retention may not be required.

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23. Before parting, without reflecting anything on the merits of the prosecution case and the defence of the petitioner, the Court must observe that in case the alleged incident had taken place, it is one of the most unfortunate things to happen as such conduct amounts to highest form of professional misconduct on the part of the advocate. Such an act tarnishes the name of the Judge as well as the institution.

24. However, the settled position of law governing bail would come to the aid of the petitioner. This being the position, the Court is the view that the petition has to be allowed and the petitioner is required to be released on bail.

25. Hence the following:

ORDER

The Criminal Petition is allowed subject to the following conditions:

i. Petitioner shall be enlarged on bail in Crime No.117/2024 registered by Vidhana Soudha Police, Bengaluru city on executing a personal bond for Rs.3,00,000/- (Rupees Three Lakhs

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only) with two solvent sureties for the likesum to the satisfaction of the Investigating Officer.

ii. Petitioner shall co-operate with any investigation or inquiry.

iii. Petitioner shall not threaten or induce anyone acquainted with the facts, nor tamper with evidence or witnesses

iv. Petitioner shall furnish current address, active mobile number, to the jurisdictional police and intimate any changes within 48 hours.

v. Petitioner shall not leave the jurisdiction of Mysuru and Bengaluru without prior information and intimation to the jurisdictional police.

vi. Petitioner shall not commit any offences.

(ANANT RAMANATH HEGDE)
JUDGE

GVP
List No.: 2 Sl No.: 5