

KADW010025692026



**IN THE COURT OF III ADDITIONAL DISTRICT AND
SESSIONS JUDGE AND SPECIAL COURT FOR
TRIAL OF CBI/ACB/KLA CASES, DHARWAD**

PRESENT

(RAJAKUMARA C),

II Addl. District & Sessions Judge, Dharwad.
C/c. III Addl. District & Sessions Judge, Dharwad.

DATED THIS THE 20th DAY OF JULY, 2026.

Crl. Misc. No. 359/2026 & 364/2026.

PETITIONERS IN CRL. MISC.No.359/2026:

- 1) Arbaz S/o. Irfan Hanchinal,
Age: 26 years, Occ: Business,
R/o: Kanaka navalgund Road,
Behind Royal function hall,
Dharwad.
- 2) Abdul Ajij S/o. Mahammadrafiq patel,
Age: 21 years, Occ: Plumber,
R/o: Bara Imamgalli,
Near Nurani mosque,
Dharwad.

(By Sri. R. M. Dandigal - Advocate).

PETITIONERS IN CRL. MISC.No.364/2026:

- 1) Sagar S/o. Nagaraj kalal.
Age: 30 years, Occ: Coolie,
R/o: Azadnagar, 4th Cross, Dharwad.
Now at Indra Nagar Mundagod,
Dist: North Kannada.
- 2) Allauddin @ Rahim
S/o. Mohammed Jafar Rajabali,
age; 30 years, Occ: Business,
R/o: Indra nagar, Mundagod,
Dist: North Kannada.
Now at Taj nagar Near ASF Hall,
Dharwad.

(By Sri. R. M. Dandigal - Advocate).

Vs.

RESPONDENT IN BOTH THE CASES

The State of Karnataka,
Through Police Inspector,
Sub-Urban Police Station,
Dharwad.

(By Public Prosecutor).

COMMON ORDER

1. Both these Petitions i.e., Crl. Misc. No.359/2026 and Crl. Misc. No.364/2026 are arising out of the Dharwad Sub-Urban Police Station Crime No.94/2026, (CC No.1667/2026 on the file of Prl. Civil Judge and JMFC, Dharwad), charge sheeted for the offences punishable under Sections 55, 61(2), 126(2), 103, 115(2), 332(a),

333, 238, 351(2), 351(3), r/w Section 190 of Bharatiya Nyaya Sanhita, 2023 and hence, they have been disposed of by passing this common order.

2. Accused no.7 and 13 and accused no.11 and 12 respectively have filed these petitions i.e., Crl.Misc.No.359/2026 and 364/2026 respectively seeking regular bail and hence, they are referred to their rank i.e., accused no.7, and 13 and 11 and 12 in the order.
3. The case of the prosecution is that the son of complainant (herein after referred as deceased) Fairozkhan is working as General Secretary of the Youth Congress, and also doing real estate business. On 14/4/2022, there was a quarrel between accused no.14 and accused no.10 with deceased in connection with fixing of banner of their political party. Since then, there was ill-will between accused no.14 and 10 with deceased. In the 2023 also in connection with Anjuman election, there was again quarrel between deceased and accused no.14. In the year 2024, the deceased has contested for Youth Congress Election for the post of Congress General Secretary post. At that time, accused no.14, 1, 8, 10 threatened the deceased to withdraw his nomination. Therefore, the accused persons have grudge against the deceased. As a result, accused no.14 and 10 by colluding with other accused on 16/2/2026 between 8.00 p.m. to

9.00 p.m. conspired to kill the deceased and on the abatement of these accused no.14 and 10, other co-accused went to the house of the deceased at 9.45 p.m. attacked the deceased with deadly weapons and assaulted him and committed his murder.

4. The accused no.7, 13 and 11 and 12 have stated in the petitions that, they are innocent persons and peace loving citizens. They have been falsely implicated on the false and vague complaint and at the instance of their ill-wishers. They have not committed the offences. The Investigation Officer has filed charge sheet against 14 accused persons, and among them, accused No.9, 10 and 14 have been released on bail. The investigation is completed and charge sheet has been filed and therefore, further custodial interrogation of the accused is not required. The trial of the case may take long time for conclusion. The accused belong to respectable family having deep roots in the society and are having old aged parents, wife and minor children, brother and sisters and doing gainful coolie job and fruit business for their livelihood. They are the only bread earners of their family and their entire family is depending on their earnings. They are the permanent residents of the address mentioned in the cause-title. The Petitioners have undertaken to abide by the terms and conditions that may be imposed on them by this Court and also furnish

adequate surety to the satisfaction of this court. Therefore, the Petitioners have prayed for grant of regular bail.

5. The Prosecution has filed separate objections and in the objections the Prosecution has stated the facts of the case in brief and further contended that the offences alleged against the petitioners/ accused are heinous in nature and are non-bailable. If Petitioners are released on bail, again they may commit similar offences. The petitioners are habitual offenders and cases are pending against them in different Police Stations. If they are granted bail, they may tamper the Prosecution Witnesses and hamper the trial. The charge sheet materials prima-facie show the involvement of the petitioners in the commission of the offences. The chances of the Petitioners being absconding cannot be ruled out. Hence, the Prosecution has prayed to dismiss the bail Petitions.
6. Perused the case papers and heard both the sides.
7. Now the point that arises for the consideration of this Court is :

“Whether the petitioners in both the petitions i.e., accused Nos.7 and 13 and accused no.11 and 12 respectively are entitled to be released on regular bail as prayed under 483 of Bharatiya Nagarik Suraksha Sanhita-2023 ?”

8. The answer to the above point is **in the Negative** for the following:

REASONS

9. Accused no.1 to 14 have been charge sheeted for the offences punishable under Sections 55, 61(2), 126(2), 103, 115(2), 332(a), 333, 238, 351(2), 351(3), r/w Section 190 of Bharatiya Nyaya Sanhita, 2023. The punishment for offence under Section 103 of Bharatiya Nyaya Sanhita, 2023 is with death or imprisonment for life.
10. The learned counsel for the petitioners/accused at the time of the arguments produced the order of the Hon'ble High Court of Karnataka in Crl. Petition Nos.101128/2026, 101065/2026 and 101147/2026 and submitted that the co-accused in this case have been granted regular bail and anticipatory bail and on the ground of the parity, the present petitioners are also entitled for regular bail. Hence, prayed to allow the petition.
11. Per contra, the learned Public Prosecutor submits that the present accused along with other co-accused have committed the heinous offence. Though the Hon'ble High Court of Karnataka granted bail to some of the accused, the ground of parity do not apply to the present accused. Hence prayed to reject both the petitions.

12. Perusal of the records prima facie show that accused no.14 and 10 conspired to kill deceased and abetted other co-accused to kill the deceased and as a result of such conspiracy, other co-accused by going to the house of the deceased by assaulting him with deadly weapons committed his murder. Thus, the offences alleged against the accused are heinous in nature that too punishable with death or imprisonment for life.
13. The contention of the learned counsel for the petitioners that co-accused in this case have been granted regular bail and anticipatory bail by the Hon'ble High Court of Karnataka in the above said criminal petitions and the present petitioners on the ground of parity are entitled for regular, cannot be considered at this stage. The above respective accused in the above said petitions have been granted regular bail except accused no.14 who was granted anticipatory, was at crime stage and on the ground that their names are not appearing in the FIR and complaint. As of now, the investigation is completed and accused no.1 to 14 have been charge sheeted for the aforesaid offences. Therefore, the contention of learned counsel for the petitioner, the ground of parity cannot be made applicable.
14. At this stage, without discussing much of the merits of the case, since prima facie case is made against these

accused, this Court looking the nature of the allegations levelled against the accused and the punishment prescribed for the said offence, is of the opinion that the accused in these petitions are not entitled for grant of regular bail. Hence, the above point is answered in the Negative.

15. Hence, the following:-

ORDER

The Crl. Misc. No.359/2026 and Crl. Misc. No.364/2026 filed by the Petitioners/accused Nos.7 and 13 and 11 and 12 respectively under Section 483 of Bharatiya Nagarik Suraksha Sanhita-2023, seeking regular bail are rejected.

Keep the original order in Crl. Misc. No.359/2026 and copy xerox in Crl. Misc. No.364/2026.

(Dictated to the Stenographer directly on computer, corrected and then singed and pronounced by me in the open court on this the 20th day of July 2026).

Sd/-
(RAJAKUMARA C.),
II ADDL.DIST. AND SESSIONS JUDGE,
DHARWAD.
C/c. III ADDL. DISTRICT & SESSIONS JUDGE,
DHARWAD.