



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 3540 OF 2026

(439(Cr.PC)/483(BNSS))

BETWEEN:

BENJAMIN HARSHA @ HARSHA,

S/O CHURCH HILL,

AGED ABOUT 45 YEARS,

R/AT NO.26/27,

DS MAX SPARK APARTMENT,

CHOOKKANAHALLI MAIN ROAD,

YELAHANKA, BENGALURU 560 064.

...PETITIONER

(BY SRI. ABHISHEK HUDDAR.,ADVOCATE)

AND:

STATE OF KARNATAKA

Digitally
signed by
PAVITHRA
N



Location:
High
Court of
Karnataka



BY VIDYARANAYAPURA POLICE STATION

REP BY SPP OFFICE

HIGH COURT OF KARNATAKA

BENGALURU – 560 001.

...RESPONDENT

(BY MS. ASMA KOUSER.,ADDL. SPP)

THIS CRL.P FILED U/S 439 CR.PC (FILED U/S 483 BNSS)
PRAYING TO ENLARGE THE PETITIONER /ACCUSED NO.1 ON
BAIL, ON SUCH TERMS AND CONDITIONS AS THIS HON'BLE
COURT DEEMS FIT, IN SC.NO.1486/2025 OF VIDYARANYAPURA
POLICE STATION FOR THE O/P/U/S 310(2), AND 61(2) OF THE
BNS 2023, WHICH IS NOW PENDING BEFORE THE COURT OF
HONBLE LXV ADDL. CITY CIVIL AND SESSIONS JUDGE, AND
PASS SUCH OTHER ORDER/S IN THE CIRCUMSTANCES OF THE
CASE, IN THE INTEREST OF JUSTICE.

THIS CRL.P, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. This petition is filed by the petitioner herein who is arrayed as accused No.1 in Crime No.209/2025 filed by the respondent - Police for the offences punishable under Section 310(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023 (*for short BNS*) seeking regular bail.

Factual matrix of the case:

2. The case of the prosecution is that a complaint came to the filed by the complainant stating that the complainant with an intention to establish cold pressed oil business intended to purchase equipment from Germany. Therefore, he adjusted amount of Rs.2.00 Crores and the same amount has to be converted to U.S. Dollar. Therefore, he contacted Prakash Agarwal and Rakesh, both Prakash Agarwal and Rakesh introduced accused No.1/petitioner herein to get the work done. On 25.06.2025 at about 03.30 p.m. when the complainant and his friend Nagendra and Shanthkumar reached the



spot. There, the petitioner took them along with amount to A.K. Enterprises situated at Kundan Electronics near M. S. Palya Circle. The petitioner and his friend started counting the amount. At that time, six (06) to seven (07) unknown persons entered into the shop and threatened them and committed theft of Rs.2.00 Crores, their mobile phones and locked them inside the shop. Hence, the complaint.

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

4. Heard Sri. Abhishek Huddar, learned counsel for the petitioner and Ms. Asma Kouser, learned Additional Special Public Prosecutor for respondent.

5. Learned counsel for the petitioner submits that though, petitioner is arrayed as accused No.1, he is innocent of the alleged offences and he has been falsely implicated in this case. In fact, he was also there along with the complainant and his friends in the shop after the



incident. Nothing has been recovered at his instance. In the charge-sheet, his involvement has not been mentioned. Moreover, no criminal antecedents against the petitioner. The petitioner is aged about 45 years and he is the earning member of the family and a permanent resident of DS Max Spark Apartment, Yelahanka, Bangalore. He will abide by the conditions to be imposed by this Court in the event of his release on bail. Making such submission learned counsel for the petitioner prays to allow the petition.

6. Per Contra, learned Additional Special Public Prosecutor for respondent-State vehemently submitted that the petitioner is the mastermind behind the incident. In fact, he had informed the other accused to commit the offence. Merely because nothing has been recovered at his instance is not sufficient to hold that he has not committed an offence. The present petitioner has directed the complainant to come to the location where he has proposed. Accordingly, the complainant and his friends



went to the said spot. Thereafter, accused No.1, complainant and others started counting the said amount. In the mean time, other accused entered inside the shop and threatened them and committed robbery of huge amount. So far as, Rs.1,20,00,000/- has been recovered from the accused and others. Hence, it is not appropriate to grant bail. Making such submission learned Additional Special Public Prosecutor for respondent – State prays to reject the petition.

7. Heard learned counsel for the respective parties and perused the averments of the charge-sheet. It appears from the record that the complainant in order to purchase Machinery from Germany had collected amount of Rs.2.00 Crores and he wanted to convert the same from Indian currency to U.S.D.T currency. Hence, he approached two persons, in fact, the said two persons introduced accused No.1. As per the direction of the accused No.1, he went to the spot along with his friends. Thereafter, the said incident had occurred.



8. On going through the documents available on record, nothing is recovered at the instance of the petitioner. The materials available on record are not sufficient to deny the bail.

9. Hence I proceed to pass the following:

ORDER

- i. This Criminal Petition is ***allowed.***
- ii. The petitioner is ordered to be enlarged on bail in Crime No.209/2025 filed by the respondent - Police for the offences punishable under Section 310(2), 61(2) of BNS, 2023, on executing a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with one surety for the like sum of the satisfaction of the Trial Court.
- iii. The petitioner shall not threaten or tamper with the prosecution witnesses



nor hamper the proceedings of the Court.

- iv. The petitioner shall appear before the Trial Court on all hearing dates, without fail.
- v. The petitioner shall not indulge in any criminal cases till disposal of the case.

In case, the petitioner violates any of the bail conditions mentioned above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

NM