



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL PETITION NO. 6850 OF 2026

BETWEEN:

SRI. MANJUNATHA
AGED ABOUT 32 YEARS
S/O MALLIKARJUNA,
R/AT 1-130/18, SHREE ANJANEYA,
MANGALA NAGAR, KUDUPU POST,
THIRUVAIL, VAMANJOOR,
DAKSHINA KANNADA - 575 028.

...PETITIONER

(BY SRI. ARUNA SHYAM M, SR. ADVOCATE FOR
SRI. SUYOG HERELE E, ADVOCATE)

AND:



1. THE STATE OF KARNATAKA
THROUGH MANGALURU RURAL PS
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA,
HIGH COURT BUILDING
BENGALURU - 560 001.
2. ABDUL JABBAR
AGED ABOUT 36 YEARS



S/O KUNHEEDU,
R/AT TRRA-4, THRIKKOVIL ROAD,
CHALIKKAVOTTOM,
KANAYANNUR
ERNAKULAM, KERLA - 682 028.

...RESPONDENTS

(BY SMT. RASHMI JADHAV, ADDL. SPP FOR R1;
SMT. MRUDULA, ADVOCATE FOR R2)

THIS CRL.P IS FILED U/S 439 OF CR.PC (FILED U/S 483
BNSS) PRAYING TO ALLOW THIS CRIMINAL PETITION AND
DIRECT THE RESPONDENT MANGALURU RURAL PS TO
ENLARGE THE PETITIONERS ON REGULAR BAIL IN
CONNECTION WITH CRIME NO. 037/2025 (ON THE FILE OF
THE LEARNED VI ADDL DISTRICT AND SESSIONS JUDGE, D.K.,
MANGALURU IN SC. NO.0115/2025) REGISTERED BY
RESPONDENT MANGALURU RURAL PS FOR THE ALLEGED
OFFENCES UNDER 189(2), (4), 191(2), (3), 115(2), 118(2),
103(2), 238, 239, 240, 352 R/W 190 OF BNS.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



ORAL ORDER

Heard Sri Aruna Shyam M, learned Senior counsel for the petitioner, Smt. Rashmi Jadhav, learned Additional SPP for respondent No.1/State and Smt. Mrudula, learned counsel for respondent No.2.

2. The petitioner is accused No.3 in SC.No.115/2025 pending on the file of VI Additional District and Sessions Judge, D.K. Mangaluru.

3. The facts in the nutshell which are utmost necessary for disposal of the present petition are as under:

3.1. The complaint came to be lodged by Deepak Kumar with Mangalore Rural Police, Vamanjur, Mangalore, which was registered in Crime No.37/2025 for the offences punishable under Sections 189(2), (4), 191(2), (3), 115(2), 118(2), 103(2), 238, 239, 240, 352 read with Section 190 of the Bharatiya Nyaya Sanhita (BNS), 2023. Based on the said complaint, the First Information Report



came to be registered, wherein 19 named accused persons and others were as accused.

3.2. As per the complaint averments, on 27.04.2025 there was a cricket match in Kudupu Batra Kallurti temple ground situated in Kudupu Village. At about 03.00 p.m., an unknown person arrived on the cricket ground from railway track side and started raising the slogan 'Pakistan Pakistan'. Being enraged with such raising the slogans, the persons who were indulged in the cricket game and also who were watching the game, tried to capture him and he ran towards the Kallurti temple. The persons who were chasing him also raised alarm stating that he should not be left free and he must be done to death.

3.3. The complainant also followed the mob, which was chasing the said unknown person and while running away from the spot, said unknown person fell down. At that juncture, all the persons who had gathered there kicked him and assaulted him. The said unknown person



raised alarm for help and tried to escape from the clutches of the mob, at this juncture, the present accused and Devadas @ Teju held the legs of said unknown person and dragged him. Others started assaulting him and kicked him. Some others assaulted him with the tree branches. The complainant tried to pacify the quarrel and requested the mob to leave him. However, the mob overpowered the complainant and thereafter, the complainant went home. On the same day, in the night hours, the complainant came to know that the unknown person lost his life. However, since already a complaint was lodged in that regard, the complainant kept quiet.

3.4. On 28.04.2025, the complainant had been to Mangalore, returned home in the night and he got an information that the police had visited his house and told him that he should visit the police station. Accordingly, he visited the Police Station and came to know about the complaint filed by the present petitioner. The complainant said to have told that the averments made by the present



petitioner in his complaint is incorrect and therefore, sought for action against the 19 known persons and other unknown persons.

3.5. The Jurisdictional Police after registering the case, thoroughly investigated the matter and filed the charge sheet. Column No.17 of the charge sheet would reveal that the deceased name is Mohammad Ashraf. There are specific allegations against each of the accused persons. The charge sheet came to be filed against 21 persons and present petitioner is third accused.

3.6. In the column No.17, and charge sheet specific allegations are made against each of the accused persons and insofar as the present petitioner is concerned, the allegations found in the charge sheet is that the petitioner had brought chilli powder from his house packed in a paper packet and took out the same and spilled on to the wounds sustained by Mohammad Ashraf and also spilled the chilli powder on to the private parts including the



buttocks. Thereafter, accused No.3 said to have thrown the said paper where the chilli powder had been packed into a flowing water in order to destroy the evidence.

3.7. Attempt made by the petitioner to obtain grant of bail was turned down by the learned Trial Judge by order dated 06.12.2025 wherein he has rejected the bail application of accused Nos.3 and 4.

4. Accused No.4 approached this Court for grant of bail in Crl.P.No.17346/2025. The Co-ordinate Bench of this Court, by order dated 19.01.2026, granted the bail to accused No.4 as well.

5. Being aggrieved by the rejection of bail request, accused No.3 is before this Court in this petition.

6. Sri Aruna Shyam, learned Senior counsel representing the petitioner reiterating the grounds urged in the petition could seek the grant of bail firstly on the ground of parity and secondly on merits as well.



7. He would further contend that the doctor, who conducted the post mortem of the deceased has not noted the presence of chilli powder. The same would belie the contents of the charge sheet *prima-facie*. Further, except spilling the chilli powder on the wound and on the private parts, no specific overt acts are also alleged against accused No.3 and therefore, he stands on the same footing that of the other accused persons who have been granted bail.

8. He would further point out that the complaint filed by the petitioner has been registered as a UDR. To convert the UDR into the separate crime by taking a separate complaint from the complainant itself is incorrect having regard to the settled principles of law.

9. He would further point out that the incident even according to the prosecution has occurred at the spur of the moment when the deceased all of a sudden entered from the railway line side to the cricket ground where



cricket match was being played and started raising slogans 'Pakistan Pakistan'. According to the prosecution also, the genesis of the crime is on account of the deceased raising the slogans and the mob following the deceased and attacking him. According to him, admittedly, the injuries as noted by the autopsy surgeon are not with any deadly weapons and the complaint averments also would not make out use of deadly weapons and therefore, the petitioner is to be enlarged on bail.

10. Per contra, Smt. Rashmi Jadhav, learned Additional SPP would oppose the bail grounds by contending that petitioner is not entitled for grant of bail on the ground of parity as role assigned to the present petitioner is different from the other petitioners and therefore, the bail is to be rejected.

11. She would further point out that merely non-mentioning of the presence of chilli powder by the autopsy surgeon or in the spot mahazar, case of the prosecution



did not get weaken to any extent and the complaint and FIR cannot be construed as an encyclopedia to contain all necessary details and specific statements of the witnesses have been recorded by the Investigation Agency which culminated in filing the charge sheet, making specific allegations against each of the accused persons and therefore, the bail is to be rejected.

12. She would also contend that in a matter of this nature, if the people like petitioners are granted bail, it would encourage the similarly placed perpetrators of the crime to repeat such offences and mob lynching is to be curbed by the Courts with all seriousness by passing appropriate orders and thus, sought for rejection of the bail.

13. Smt. Mrudula, learned counsel for respondent No.2 would contend that the test of parity would fail in the case of the petitioner inasmuch as it is this petitioner who encouraged the other accused to assault the deceased and



not to disclose the incident to the police so that he will take control of the case and and then derailed the investigation process by filing a false UDR report. Therefore, his bail request is to be rejected.

14. In support of her arguments, she has placed on record the following decisions:

- 1. Tehseen S. Poonawalla v. Union of India, (2018) 9 SCC 501*
- 2. Tarun Kumar v. ED, (2023) SCC Online SC 1486*
- 3. Nar Singh v State of Uttarakhand, Order dated 16.07.2021 in First Bail Application No. 1387 of 2021, Uttarakhand High Court*
- 4. Kiran @ Holo Mafatbhai Parmar V. State Of Gujarat Order dated 25.11.2024 in Criminal Misc. Application (For Regular Bail - After Chargesheet) No. 22901 Of 2024, Gujarat High Court*
- 5. Kiran @ Holo Mafatbhai Parmar v. State of Gujarat, Order dated 14.07.2025 in SLP (Criminal) Diary No(S). 32284/2025*
- 6. Prasanta Kumar Sarkar v Ashis Chatterjee, (2010) 14 SCC 496*
- 7. State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21*
- 8. Sagar v. State of Uttar Pradesh (2010) 11 SCC 444*
- 9. Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana (2021) 6 SCC 230*



15. In reply, Sri Aruna Shyam M, learned counsel for the petitioner would contend that it is not a case of mob lynching at all inasmuch as the incident has occurred at the spur of the moment and there was no pre-concert or pre-determination to attack a person. Therefore, the principles of law laid on by the counsel for respondent No.2 would not be applicable to the case on hand.

16. Having heard the arguments of both sides, this Court has given its anxious consideration to the rival contentions of the parties and perused the decisions relied on by the counsel for respondent No.2.

17. All the other accused persons have been granted bail and wherever the Trial Judge has rejected the bail, those accused persons approached this Court in number of petitions and the Co-ordinate Benches of this Court granted bail after hearing the prosecution and in three cases after hearing the objections of second



respondent as well. Pertinently there is no challenge to those orders.

18. In a matter of this nature, when there is no deadly weapon used in the incident, the gravity of the offence gets reduced and on the ground of parity alone, the petitioner is also entitled for grant of bail.

19. However, in order to non suit, the ground of parity insofar as the petitioner is concerned, the prosecution is opposing the bail request by contending that there is a specific overt act that is alleged against the present petitioner that he had brought chilli powder in a paper packet and after the injured sustained injuries, he spilled the chilli powder on to the wounds and also on to the private parts of the deceased.

20. So far as the said allegations is concerned, *prima facie* materials in the charge sheet would not indicate use of chilli power inasmuch as the autopsy surgeon has not found chilli powder on the body of the



deceased. Further, prosecution is unable to point out presence of chilli powder at the spot or same having been seized under the mahazar.

21. Even according to the case of prosecution, the incident has occurred at the spur of the moment. The genesis of the crime according to the prosecution is that these accused persons were indulged in playing the cricket game and at that juncture, the deceased entered the cricket ground from railway line side raising the slogans 'Pakistan Pakistan'.

22. Being enraged with the raising of that slogan, in the wake of the pahalgam attack which had occurred in the recent past, the public who had gathered in watching the cricket game including the players started chasing the deceased. The deceased ran towards the temple to escape from the probable attack. But the mob followed and chased him. Near the temple, the deceased was attacked. In such attack, some kicked him and some assaulted with



hands and few more broke the tree branches and assaulted the deceased with those tree branches.

23. In other words, in the whole incident no deadly weapon is used. As per the complaint averments, the complainant made his earnest efforts to pacify the quarrel. But his words were not heeded by the mob and as such he went home.

24. Pertinently, the complainant did not report the incident on the same day to the police. He kept quiet and he attended his normal day to day activities even on the next day i.e., on 28.04.2025. By then, it is the present petitioner who had filed a report with the jurisdictional police stating about the death of a person. The same was registered in UDR No.14/2025 by the Mangaluru Rural Police. However, next day i.e., on 28.04.2025, the Mangaluru Rural Police visited the house of the complainant to find out the necessary details about the incident that occurred on 27.04.2025 around 03.00 p.m.



25. But according to the FIR in Crime No.37/2025, the incident has occurred between 03.00 p.m. to 10.00 p.m. The UDR report filed by the present petitioner is at 07.00 p.m. on 27.04.2025. Therefore, the very mentioning of the incident that it has lasted from 03.00 p.m. to 10.00 p.m. on 27.04.2025 itself is doubtful and is a make believe statement by the police only in order to get a fresh complaint registered about the incident.

26. In the first place, the Investigation Agency if found that the report filed by the petitioner is incorrect and if there is any other material evidence which they have collected whereby the incident could be treated as a murder other than unnatural death, the Investigation Agency should have obtained the necessary permission from the Jurisdictional Magistrate in writing to investigate further in the very same UDR and file necessary charge sheet for the requisite offences. In respect of the same incident, registering one more case on the next day based on the complaint of Deepak Kumar in Crime No.37/2025



itself thus, is incorrect and is against the settled principles of law.

27. Be it what it may, the charge sheet is now filed and it is for the parties to urge on those aspects of the matter during the trial in accordance with law. Expressing any further opinion on the said aspect of the matter would definitely hamper the rights of the parties one way or the other that too at the stage of considering the bail request.

28. In other words, in respect of the same incident there are two reports. When the genesis of the crime in both the incidents are looked into, the whole incident has occurred at the spur of the moment inasmuch as the deceased voluntarily entered the cricket ground and disrupted the match that was being played peacefully.

29. Therefore, the *prima facie* materials available on record would indicate that there was no pre-concert or pre-meditation in attacking the injured. Again further



expressing any opinion on the said aspect of the matter would hamper the rights of the parties and therefore, this Court does not want to discuss further on the said issue.

30. Fact remains that the petitioner and the deceased were unknown to each other and they were strangers. Therefore, the objections raised on behalf of the prosecution and the decisions relied on by the counsel for respondent No.2, in opposing the bail request even on the ground of parity, in the considered opinion of this Court, cannot be countenanced in law in view of the materials collected by the Investigating Agency in form the charge sheet.

31. The statements of the witnesses recorded before the Jurisdictional Magistrate will have its own value during the trial and it would not come in the way of this Court exercising its powers while accepting the request for grant of bail.



32. Further, no compelling reasons are also found against the petitioner herein so as to continue him in judicial custody any longer as he has been in custody from 29.04.2025. The Court has also taken note of the fact that in the charge sheet, 216 witnesses have been cited who are to be examined as witnesses and said process may occupy considerable amount of time.

33. There cannot be any dispute as to the principles of law enunciated in the decisions relied on by the counsel for respondent No.2. But facts involved in the present case are altogether different in the decisions relied on by counsel for respondent No.2.

34. In view of the forgoing discussion following:

ORDER

- i. The petition is ***allowed***.
- ii. The petitioner is directed to be allowed on bail on taking a bond in a sum of Rs.1,00,000/- (Rupees One Lakh only) with



two sureties for the like sum to the satisfaction of the trial Court.

- iii. The petitioner shall attend the Court regularly.
- iv. The petitioner shall not tamper the prosecution witnesses in any manner.
- v. The petitioner shall not leave the jurisdiction of Dakshina Kannada District without their permission.
- vi. Violation of any one of the conditions would entitle the prosecution to seek for cancellation of bail.

Sd/-
(V SRISHANANDA)
JUDGE

SSB