



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

CRIMINAL PETITION NO. 13701 OF 2025
[(439(Cr.PC) / 483(BNSS))]

BETWEEN:

SRI. MOHAMMED ESHSAN.A
S/O AMJAB PASHA
AGED ABOUT 25 YEARS,
RESIDING AT
DUBBAGOTGE,
KASABA HOBLI,
MAGADI TALUK,
TAGIKUPPA POST,
RAMANAGAR - 562 120.

...PETITIONER

(BY SMT. NIVEDITHA PRAKASH, ADVOCATE)

AND:

STATE OF KARNATAKA
BY MADANAYAKANAHALLI P.S.
REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT COMPLEX
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. M R PATIL.,HCGP)

THIS CRL.P IS FILED UNDER SECTION 439 CR.P.C (U/S 483 BNSS) PRAYING TO ENLARGE THE PETITIONER/ACCUSED NO.1 ON BAIL IN CRIME NO.1007/2024 REGISTERED BY THE MADANAYAKANAHALLI POLICE, FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 189(2), 191(2), 193(3),





140(1), 103(1), 238 READ WITH 190 OF BNS, 2023, PENDING ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT AT BENGALURU IN S.C.NO.71/2025.

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.1 under Section 483 of Bharatiya Nagrika Suraksha Sanhita, 2023 praying to grant bail in S.C.No.71/2025 (arising out of Crime No.1007/2024 of Madanayakanahally Police Station registered for offences punishable under Sections 189(2), 191(2), 193(3), 140(1), 238 and 103(1) read with Section 190 of Bharatiya Nyaya Sanhita, 2023.

2. Heard learned counsel for petitioner and learned High Court Government Pleader for respondent - State.

3. Learned counsel for petitioner would contend that, accused Nos.3, 4, and 7 have been granted bail by this Court. The petitioner/accused No.1 is similarly placed



to that of accused Nos.3 and 4 have been granted bail. Therefore, the petitioner is also entitled to grant for bail on the ground of parity. With these, he prayed to allow the petition.

4. Learned High Court Government Pleader for respondent would contend that, the offence alleged against the petitioner is a heinous offence. The case of the prosecution is based on circumstantial evidence. With these, he prayed for dismissal of the petition.

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

6. The co-ordinate bench of this Court while considering the bail petition of accused No.4 in the order dated 02.07.2025 passed in Criminal Petition No.7972/2025 has observed as under:

*"3. FIR in Crime No.1007/2024 was registered
Madanayakanahally Police Station, Bengaluru*



District, initially for the offences punishable under Sections 103(1), 238 of BNS, 2023, against one Mahammad Esan and others based on the first information dated 29.11.2024 received from Suresha Yadav cousin brother of deceased Akhilesha Kumar Yadav. During the course of investigation, petitioner herein was arrested on 19.12.2024. Investigation of the case is completed and charge sheet has been filed against seven accused persons. Petitioner is arrayed as accused no.4 in the charge sheet. His bail application filed before the jurisdictional Sessions Court in Crl. Misc. No.626/2025 was rejected on 08.04.2025. Therefore, petitioner is before this Court.

4. Perusal of the material on record would go to show that Akhilesha Kumar Yadav was found missing from 19.10.2024. Subsequently, a missing complaint was lodged on 21.10.2024 by the first informant in the present case before Madanayakanahally Police Station, Bengaluru District. It appears that during the course of investigation of the said missing complaint, the dead body of Akhilesha Kumar Yadav was found and on 29.10.2024, police had summoned the



first informant to identify the dead body Akhilesha Kumar Yadav, and thereafter a UDR case in UDR.NO.40/2024 was registered. During the course of investigation of the said case, first informant suspected foul play in the death of his cousin brother and he suspected the hand of the accused named in the FIR in the death of his cousin brother, and therefore, the first information was registered against Mahammad Esan and others on 29.11.2024, During the course of investigation, petitioner was arrested on 19.12.2024. After completing the investigation, charge sheet has been filed.

5. The entire case of the prosecution is based on circumstantial evidence. Undisputedly, petitioner herein has no other criminal antecedents. Before the Trial Court, case is still at the stage of hearing before charge. The prosecution has, in all cited 67 charge sheet witnesses in the present case, and therefore, chances of commencement of trial and completion of the same in the near future is very remote. The allegations found in the charge sheet are required to be proved in a full-fledged trial. Under the circumstances, I am of the opinion that petitioner's prayer for grant of



regular bail is required to be answered affirmatively."

7. The overt act alleged against the petitioner and the overt act alleged against accused No.4 who has been granted bail is similar. Considering the said aspect, the petitioner has made out a case for grant of bail on the ground of parity. The petitioner is not having any criminal antecedents.

8. Considering all the above aspects, the petitioner has made out a case for grant of bail with conditions. In the result, the following;

ORDER

The Criminal Petition is ***allowed***. The petitioner is granted bail in S.C.No.71/2025 (arising out of Crime No.1007/2024 of Madanayakanahally Police Station, subject to following conditions:

- i) The petitioner shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the*



likesum, to the satisfaction of the jurisdictional Court.

- ii) The petitioner shall appear regularly on all the dates of hearing before the Trial Court unless the Trial Court exempts his appearance for valid reason.*
- iii) The petitioner shall not directly or indirectly threaten or tamper with the prosecution witnesses.*
- iv) The petitioner shall not involve in similar offences in future.*
- v) The petitioner shall not leave the jurisdiction of the Trial Court without permission of the said Court until the case registered against him is disposed off.*

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**