



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
CRIMINAL PETITION NO.100408 OF 2026
(439 OF Cr.PC/483 OF BNSS)

BETWEEN:

FAYAZ KAREEMSHA MAKANDAR,
AGE: 23 YEARS, OCC: COOLIE,
R/O. JAI KARNATAKA COLONY,
YOGAPURA, DIST. VIJAYAPUR-586101.

...PETITIONER

(BY SRI PRAKASH JADHAV, ADVOCATE)

AND:

THE STATE OF KARNATAKA,
THROUGH MAHALINGAPUR P.S.,
BAGALKOT DISTRICT,
R/BY STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
AT: DHARWAD-580011.

...RESPONDENT

(BY SRI ABHISHEK MALIPATIL, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 483 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, PRAYING TO ENLARGE THE PETITIONER/ACCUSED NO.8, NAMELY FAYAZ KAREEMSHA MAKANDAR, ON REGULAR BAIL IN CONNECTION WITH FIR NO.06/2026 REGISTERED BY MAHALINGAPUR POLICE STATION FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 137(2) AND 310(2) OF THE BHARATIYA NYAYA SANHITA, PRESENTLY PENDING BEFORE THE SENIOR CIVIL JUDGE AND JMFC COURT, BANAHATTI AND ETC.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

Heard the learned counsel for the petitioner, the learned HCGP for the respondent-State.

2. This petition is filed by the petitioner/accused No.8 under 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail and praying for the following relief:

"Wherefore, in the above facts and circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to,

- a) enlarge the Petitioner/Accused No.8, namely Fayaz Kareemsha Makandar, on regular bail in connection with FIR No.06 of 2026 registered by Mahalingapur Police Station for the offences punishable under Sections 137(2) and 310(2) of the Bharatiya Nyaya Sanhita, presently pending before the learned Senior Civil Judge and JMFC Court, Banahatti, on such terms and conditions as this Hon'ble Court deems fit and proper in the interest of justice and equity.*



*b) May pass any other order or orders this
Hon'ble Court fit the circumstance of the case.*

*AND FOR ACT OF KINDNESS, THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY".*

3. The brief case of the prosecution is that Accused No.8, along with other accused persons, committed dacoity on 10.01.2026 at about 12:45 p.m. by intercepting a lorry and robbing the rice load. Based on these allegations, an FIR has been registered against unknown persons for the aforesaid offences.

4. The learned counsel for the petitioner submitted that the petitioner was arrested on 21.01.2026 but was produced before the learned Magistrate only on 24.01.2026. Therefore, there is a violation of Article 22(2) of the Constitution of India, and thus the personal liberty of the petitioner has been infringed. It is further submitted that the complaint was initially lodged against unknown persons, and the petitioner has been falsely implicated in the present



case. Hence, it is prayed that the petitioner be enlarged on bail.

5. On the other hand, the learned HCGP for the State submitted that the petitioner is a habitual offender and that four cases have been registered against him in various police stations. It is also submitted that he is a rowdy-sheeter. The investigation is still in progress, and the charge sheet has not yet been filed. Therefore, it is prayed that bail not be granted at this stage and that the petition be dismissed.

6. Upon consideration of the allegations in the complaint and the FIR, it is seen that the petitioner and other accused persons are alleged to have intercepted a lorry and committed the offence. Though the complaint was initially lodged against unknown persons, during the course of investigation, the police apprehended the petitioner and arrayed him as Accused No.8. The investigation is still in progress, and the charge sheet has not yet been filed. Further, the learned HCGP has produced material to show



that the petitioner is a habitual offender, with four cases registered against him in various police stations.

7. Therefore, at this stage, if the petitioner is enlarged on bail, there is a likelihood of his absconding, threatening prosecution witnesses, and fleeing from justice. Therefore, the petition is liable to be dismissed, and it is hereby ***dismissed***.

8. However, liberty is reserved to the petitioner to file a fresh petition after the filing of the charge sheet.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE