



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CRIMINAL PETITION NO.201503 OF 2025

(438(Cr.PC)/482(BNSS))

BETWEEN:

ABDUL REHEMAN @ MOHAMMED ABDUL REHMAN
S/O RAFEEQ-UR-REHMAN,
AGE: 30 YEARS, OCC: EX-EMPLOYEE
CITY CORPORATION, KALABURAGI
R/O NO.11-1041, 120/15, MSK MILL ROAD,
NEAR FORTUNE SCHOOL, GALIB COLONY,
KALABURAGI-585102

...PETITIONER

(BY SRI. ZAKIR HUSSAIN USTAD, ADVOCATE)

AND:

THE STATE THROUGH
BRAHMPUR POLICE STATION, KALABURAGI,
(REPRESENTING BY LEARNED ADDL. S.P.P
HIGH Court, KALABURAGI-585107)

...RESPONDENT

(BY SRI. GOPALKRISHNA B. YADAV, HCGP)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 438 OF CR.P.C (OLD), UNDER SECTION 482 OF BNSS (NEW), PRAYING TO ALLOW THE PETITION AND MAY KINDLY ISSUE DIRECTION TO THE RESPONDENT POLICE AND CONCERNED JUDICIAL MAGISTRATE TO RELEASE THE PETITIONER ON BAIL IN THE EVENT OF HIS ARREST IN CRIME NO.148/2025 OF BRAHMPUR POLICE STATION, KALABURAGI, PENDING ON THE FILE OF IV-ADDL. CIVIL JUDGE AND J.M.F.C AT KALABURAGI FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 318(4), 316(2), 316(5), 319(2), 336(2), 336(3) OF BHARATIYA NYAYA SANHITA, 2023 AND SECTIONS 66(C) AND 66(D) OF INFORMATION TECHNOLOGY ACT.

Digitally signed
by NIJAMUDDIN
JAMKHANDI
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The captioned petition is filed by accused No.1 under Section 438 of the Code of Criminal Procedure, 1973, seeking anticipatory bail in the event of arrest of the petitioner in Crime No.148/2025 registered by Brahmpur Police Station, Kalaburagi District, for the offences punishable under Sections 318(4), 316(2), 316(5), 319(2), 336(2) and 336(3) of Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of the Information Technology Act, which is now pending before the Court of IV-Additional Civil Judge (Junior Division) and JMFC, Kalaburagi.

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



3. This Court has also taken note of the order of suspension issued by the Commissioner of the City Corporation, Kalaburagi, where the petitioner was serving on a contractual basis.

4. The brief gist of the prosecution case, which culminated in the registration of Crime No.148/2025, is that the petitioner, who was working as a Senior Programmer, allegedly created fake IDs between 24.04.2025 and 05.05.2025. Learned counsel for the petitioner has, by way of a memo, placed on record an order of suspension dated 15.01.2025 issued by the Commissioner of the City Corporation, Kalaburagi.

5. *Prima facie*, considering that the petitioner was placed under suspension much prior to the period during which the alleged acts are said to have occurred, this Court is of the view that the petitioner has made out a case for grant of anticipatory bail. The suspension order, on its face, counters the allegation that the petitioner



continued to operate the system in an official capacity during the relevant period. Therefore, this Court is inclined to extend the benefit of anticipatory bail to the petitioner.

6. It is, however, made clear that the observations made herein, while taking cognizance of the document produced along with the memo, are only for the limited purpose of considering this bail petition. The same shall not in any manner prejudice or impede the Investigating Officer in the ongoing investigation. The Investigating Officer is at liberty to proceed with the investigation in accordance with law, but shall take into account the suspension order now placed on record before contemplating any further course of action.

7. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

The petition is allowed.



The respondent–Police are directed to release the petitioner on bail in the event of his arrest in connection with Crime No.148/2025 registered by Brahmpur Police Station, Kalaburagi District, for the offences punishable under Sections 318(4), 316(2), 316(5), 319(2), 336(2), and 336(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 66(C) and 66(D) of the Information Technology Act, 2000, pending before the IV Additional Civil Judge (Junior Division) and JMFC, Kalaburagi, subject to the following conditions:

- i) The petitioner shall appear before the Investigating Officer within fifteen (15) days from the date of receipt of a certified copy of this order and shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the like sum to the satisfaction of the Investigating Officer.
- ii) The petitioner shall cooperate with the investigation and shall appear before the Investigating Officer as and when required.



- iii) The petitioner shall furnish all necessary details, including device information, login credentials, and other particulars as may be summoned by the Investigating Officer, since it is alleged that the petitioner continued to access the server through his mobile device despite the order of suspension.
- iv) The petitioner shall not tamper with the prosecution witnesses or evidence, either directly or indirectly.
- v) The petitioner shall regularly appear before the Trial Court during the course of proceedings, unless exempted for valid reasons by the Trial Court.
- vi) The petitioner shall not indulge in any similar or other criminal activities in future.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NB
List No.: 1 SI No.: 21
CT:SI