

KADK010034832025



Presented on : 28-07-2025
Registered on : 28-07-2025
Decided on : 05-08-2025
Duration : 0 years 0 month 8 days

**IN THE COURT OF THE II ADDL. DISTRICT &
SESSIONS JUDGE, D.K., MANGALURU**

Present:

SRI. JAGADEESH V.N.

B.A., M.L.,

II Addl. District & Sessions Judge,
Dakshina Kannada, Mangaluru

Dated this the 5th day of August 2025

Crl.Misc./654/2025

Petitioner:

Smitha Mendonca @ Pramida Smitha D' Souza,
Aged about 34 years
W/o. Gladson Rayond Mendonca,
R/at #11-49, Kanadka House,
Karmika Colony, Padavu village,
Mangaluru-575 016.

(By Smt. Asha Nayak, Advocate)

Versus

Respondent:

The State- through S.H.O.,
Kankanady Town Police Station, Mangaluru.

(By learned Special Public Prosecutor,
D.K., Mangaluru)

**ORDER ON THE PETITION FILED UNDER SECTION
482 OF THE BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023**

The petitioner has filed this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of anticipatory bail in Crime No.106/2025 of Kankanady Town Police station, Mangaluru registered for the offences punishable under Sections 74, 115 (2), 352, 351 (3) r/w Section 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. Facts of the case:

Based on the MLC intimation received from A.J. Hospital, Mangaluru, the S.H.O. of Kankanady Town police station has visited the hospital and recorded the statement of Smt. Gretta Mendonca. It was stated in the statement she, her son and daughter-in-law are residing in the same house, but separately. She used to cook food

separately in the house and some times used to visit her brother's house. When this being the position on 15.07.2025 at 1.00 p.m. her son and daughter-in-law picked up quarrel with her telling that the complainant should give washing machine, fridge and TV to them. When the complainant did not agree, they abused her with an abusive language and pushed her and her son slapped over cheek. She called her sister's daughter over phone, she came to house. The accused persons also abused her sister's daughter with an abusive language and pushed her. The accused persons gave life threat to the complainant and her sister's daughter. On coming to know about the incident, her brother also came and took her to A.J. Hospital, Mangaluru and admitted there. Based on the statement given by the complainant, the Police have registered the case against the accused persons in Crime No.106/2025.

3. It is contended by learned counsel for the petitioner that the entire allegations made in the complaint are false and incorrect. Even according to the complaint averments, the complainant, petitioner and her husband are residing together. May be some small verbal altercations took place among the family members,

but the accused persons never assaulted the complainant and never abused. The petitioner is the permanent resident of the address shown in the cause title of the petition. Hence, he seeks to enlarge the petitioner on anticipatory bail.

4. Learned Public Prosecutor has filed objections to the bail application along with Investigating Officer report. It is contended by learned Public Prosecutor that as could be seen from the complaint averments, the accused persons are regularly quarreling with the complainant for domestic issues and on the date of incident also, they picked up quarrel with the complainant and assaulted her. Her brother came and took the complainant to the hospital. That indicates the accused persons are harassing and ill treating the complainant. If the petitioner is released on bail, she would definitely commit similar offence. Hence, she seeks to reject the bail application.

5. I have heard, learned counsel for the petitioner/accused and learned Public Prosecutor for State.

6. Having heard, counsel for petitioner and learned Public Prosecutor for State and on perusal of material placed on records, the following points that arise for my consideration;

1. Whether petitioner has made out reasonable grounds to enlarge her on anticipatory bail in the event of her arrest?

2. What order?

7. My findings to the above points are as follows;

Point No.1:- Affirmative

Point No.2:- As per the final order,
on the following reason;

REASONS

8. **Point No.1**: The material placed on record indicates there is a family dispute between the complainant and accused persons. According to the complaint averments, on 15.07.2025 when the complainant was in the house, the accused persons picked up quarrel with her and assaulted.

9. The learned counsel for the petitioner files a memo along with acknowledgment and endorsement,

they indicate the petitioner herein lodged a complaint against the complainant herein on 28.04.2025. The police after calling the complainant herein, closed the complaint by giving advice. The material placed on record indicates the complainant and the accused are mother, son and daughter-in-law. The complaint averments further indicate there is some dispute with respect to domestic issues between the complainant and accused persons. Admittedly, the complainant and accused persons are close relatives. As could be seen from the complaint averments, the complainant has not sustained severe injuries. Taking into consideration of the relationship between the parties and the allegations made in the complaint, I am of the opinion that she can be enlarged on bail. Hence, I answer point No.1 in the 'Affirmative'.

10. **Point No.2:-** In view of aforesaid reasons, I proceed to pass the following;

ORDER

The petition filed under Section 482 of Bharatiya Nagarika Suraksh Sanhita (BNSS) by the petitioner - Smitha Mendonca @ Pramida Smitha D' Souza is

hereby allowed. The petitioner shall be released on bail in the event of her arrest in Crime No.106/2025 by Kankanady Town Police Station for the aforesaid offences subject to following conditions.

1. She shall execute a personal bond for Rs.50,000/- with one surety for the likesum.
2. She shall not tamper with the prosecution witnesses.
3. She shall co-operate with the investigating agency to complete the investigation.
4. She shall appear before the jurisdictional court regularly.
5. She shall not involve in any crime.

(Dictated to the SG-I, typed by her, corrected and then pronounced by me in the Open court, on this the 5th day of August 2025)

(JAGADEESH V.N.)

II Addl. District & Sessions Judge,
D.K., Mangaluru.