



**IN THE COURT OF VII ADDL. DISTRICT AND SESSIONS
JUDGE, BELAGAVI SITTING AT CHIKODI.**

:: PRESENT ::

SRI. VIJAY KUMAR, B.Sc., L.L.B,
VII Addl. District & Sessions Judge,
Belagavi, sitting at Chikodi.

DATED THIS THE DAY OF 15th JUNE, 2026

::Crl. Misc. No. 5292/2026::

PETITIONER:

Shri. Omkar S/o. Dagadu Dhale,
(In FIR the surname of this petitioner
has been wrongly shown as Dale)
Aged about : 25 years,
Occ: Coolie, R/o. Hanchinal (K.S.),
Tq: Nipani, Dist: Belagavi.

[By: Sri. A. C. Kamate, Advocate]

V/s

RESPONDENT:

State by Nippani Rural P.S.

[By:Public Prosecutor]

**ORDERS ON BAIL PETITION FILED BY THE PETITIONER/
ACCUSED U/S 482 OF BNSS.**

The petitioner/accused has filed this petition under
section 482 of BNSS-2023 seeking anticipatory bail to enlarge
him in the event of his arrest in Cr. No.84/2025 of Nippani

Rural Police Station for the offences punishable U/Sec.75(1) of BNS.

2. The gist of the prosecution's case is that the accused, who was staying in the same village along with his mother. The complainant and her family members reside in the same street. On October 15, 2025, at around 5:30 PM, while the complainant was sweeping in front of her house, the accused whistled at her, waved his hand, and called her over. He behaved inappropriately towards her, and when the complainant warned him, he left the area. Following this incident of sexual harassment, the complainant informed her family and subsequently lodged a police complaint. Based on her report, the police registered a case and initiated an investigation.

3. The petitioner sought bail on the ground that, the petitioner is innocent of the alleged offences and falsely implicated by the respondent police in the present case. The alleged offences are not punishable with death or imprisonment for life. That the complaint appears to be motivated and exaggerated due to personal misunderstanding

and the criminal process is being misused. The ingredients of the offenses not made out in the complaint. Moreover investigation is completed and charge sheet submitted to JMFC Court. He is ready to abide by any conditions that may be imposed by this court while granting bail. On these grounds, the petitioner requests to allow the petition.

4. On the other hand, the learned public prosecutor has filed an objection and submitted that, investigation is under progress, at this stage, if anticipatory bail is granted to the petitioner there are chances of threatening the witnesses and also absconding, the petitioners have not shown sufficient ground to grant bail. Among other grounds, the learned P.P. has prayed to reject the bail petition.

5. I have heard petitioner counsel and Learned P.P and perused entire case records. The following points that arise for my consideration;-

1. Whether the petitioner/accused has made out a ground to grant anticipatory bail?

2. What order?

6. My answers to the above points are as follows:

Point No.1:- In the Affirmative

Point No.2:- As per my final order:

-: REASONS :-

7. **Point No.1:-** At the outset, the respondent police registered the case against petitioner for the alleged offense punishable U/Sec.75 (1) of BNS pending before Prl. Civil Judge and JMFC, Nippani, based on written complaint of one Smt. Mayuri Abhijith Shinge.

8. On perusal of complainant it's discloses that, On 15.10.2025, at about 5:30 PM, when the complainant was sweeping in front of her house the accused whistled at her, waved his hand, and called her, misbehaved with her, and sexually harassed her. Considering the nature of the allegations and the fact that the police have filed charge sheet, the accused need not required to the police for any purpose except trial. The alleged offense is not punishable by death or life imprisonment. The alleged offences triable by Court of Session and the offence U/Sec.75 is punishable with three years imprisonment.

9. The Hon'ble Apex Court in the case of *Sushila Aggarwal and others V/s. State (NCT of Delhi)* AIR 2020 SC 831, it has been held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

10. With the above guideline the present case on hand, the petitioner/accused is permanent resident of the Address mentioned in the Cause title. There is no criminal antecedent against accused. Considering this aspect the apprehension of the prosecution can be met with by imposing some conditions. The principle of presumption of innocence until convicted

applies to the facts of this case. It is true that there is apprehension of arrest by the police to the petitioner. Taking into consideration of these facts, this is fit case to excise discretionary power to grant bail. Hence, I am of the view that the petitioner is entitled for granting bail subject to conditions. Hence, I answer point No.1 in the '**Affirmative**'.

11. **Point No.2:** For the reasons given to point No.1, I proceed to pass the following:

:: O R D E R ::

The petition filed by the petitioner/ accused U/Sec. 482 of BNSS is allowed.

The respondent police is directed to release the petitioner/accused and in the event of his arrest in Crime No.84/2025 registered by Nippani Rural Police for the offence punishable U/Sec.75(1) of BNS on executing personal bond of Rs.50,000/- with one surety for like sum to the satisfaction of the investigation officer/ Jurisdictional court with the following conditions;

1. The petitioner shall appear before the investigation officer or Jurisdictional Magistrate within 30 days from the date of this order to execute bail bond.

2. He shall regularly appear before the court during the trial without fail unless exempted by court for valid reason.
3. He shall not directly or indirectly tamper the prosecution witnesses.
4. He shall not involve in similar offence in future.

(Dictated to the Stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court on this the 15th day of June, 2026)

(SRI. VIJAY KUMAR)

VII Addl. District and Sessions Judge,
Belagavi, sitting at Chikodi.