

KADK010021602026



Presented on : 15-05-2026
Registered on : 15-05-2026
Decided on : 27-05-2026
Duration : 12 days

IN THE COURT OF THE PRL.DISTRICT & SESSIONS
JUDGE, D.K., MANGALURU

Present:

Sri. Maanu K S, B.Sc., LL.B., MBL.,
Prl. District & Sessions Judge,
Dakshina Kannada, Mangaluru. C/c.

Dated this 27th day of May, 2026

Crl.Misc.No.427/2026

- Petitioners :
1. Vishwanath @ Vishwanath Gowda
S/o Lokayya Gowda
Aged about 31 years,
R/at. 1-91, Kunjadi House
Arambodi Village and post
Belthangady Taluk
 2. Nithesh Kumar P.R. @ Nithish
S/o. Ramesh Poojary
Aged about 27 years,
R/at 42/B, Porkala House
Puthila Village and Post
Belthangady Taluk
 3. Vishwanatha Poojary
S/o. Jarappa Poojary
Aged about 49 years,

R/at.Shree Raksha,
Mairabettu House
Arambodi Village
Belthangady

(By Sri.Prashanth.M., Adv.,)

Versus

Respondent : The State of Karnataka
By Venooru P.S.

(By Learned Public Prosecutor)

ORDER

The petitioners/accused No.1 to 3 have filed this petition under Sec.482 of B.N.S.S., to grant them anticipatory bail in Station Crime No.34/2026 of Venooru Police Station for the offences punishable under Sections 42, 43 and 44 of Karnataka Minor Mineral Concession Rules, 1994, Sections 4(1), 4(1A), 21(1)(A) of Mines and Minerals Regulation and Development Act, 1957 and Section 303(2) of Bharatiya Nyaya Sanhita, 2023 for the reasons stated therein.

2. The learned PP has filed a detailed objection statement reiterating the averments made in FIR along with the report submitted by the I.O. and prayed to reject the bail petition.

3. Heard the arguments.

4. The following point arise for my consideration :

1. Whether the petitioners/
accused No.1 to 3 have made
out grounds for grant of
anticipatory bail?

5. My answer to point No.1 is in the affirmative
for the following:

REASONS

6. **Point No.1:** As per FIS, FIR and other materials available on record, it is the case of the respondent police that on 7.5.2026 when the PSI of respondent P.S. was on patrolling duty with his staff near Karimanelu-Hosangady and other nearby places, at about 11.40a.m. he received a credible information that some persons are indulged in illegally extracting sand from Palguni river near Hanneradu Kavalu of Arambodi village and as such he immediately proceeded to the spot and while they were proceeding near Kairoli of Hanneradu Kavalu of Arambodil village on the banks of river Palguni, 3 persons who were going in a pickup vehicle bearing Reg.No.KA.19/D.4541 filled with sand on seeing him and his staff, stopped the said vehicle and escaped from the spot and on checking the said vehicle, he found sand worth Rs.6000/- was illegally loaded to the said vehicle and on enquiring about the names of the said 3 persons in the locality, he came to know the names of the said persons as accused No.1 to 3 herein, hence by seizing the

sand and vehicle, he lodged FIR against the said accused persons for the aforesaid offences and then the IO took up the matter for investigation.

7. The petitioners who are arrayed as accused No. 1 to 3 respectively in the said FIR, with an apprehension of their arrest and being harassed by the respondent police have come up with the above petition seeking for grant of Anticipatory Bail.

8. A perusal of the FIS, FIR and other materials available on record prima facie discloses the commission of the alleged offences by the petitioners and there are sufficient material to proceed with the investigation and trial. A further perusal of the nature and gravity of the offences alleged against the petitioners discloses that the offences punishable under Sections 42, 43 and 44 of Karnataka Minor Mineral Concession Rules, 1994, are all bailable in nature, however the offences punishable under Sections 4(1), 4(1A), 21(1)(A) of Mines and Minerals Regulation and Development Act, 1957 and Section 303(2) of Bharatiya Nyaya Sanhita, 2023 are non-bailable in nature and the same are punishable with imprisonment up to 5 years along with fine up to Rs.5,00,000/-.

9. A further perusal of the allegations made in the FIS discloses that the petitioners were not apprehended or traced near the spot when the alleged raid was conducted

and it is only based on the alleged information provided by the people in the locality, the petitioners herein have been arrayed as accused persons in the said FIR. Though the sand and pickup vehicle have been recovered in the spot, the same was not seized in the presence of the petitioners. No materials are also placed to show that the said vehicle is standing in the name of the petitioners herein to establish the involvement of the petitioners in the said crime. Moreover the alleged offences are not heinous offences nor they are punishable with imprisonment of more than 10 years or with life imprisonment. Since the petitioners are apprehending that they may be arrested and harassed by the respondent police, it is just and necessary to grant an anticipatory bail to the petitioners as prayed as there are no criminal antecedents made out against the petitioners herein nor the petitioners are required for custodial interrogation even though the investigation is still under progress. As such at this stage this court is of the opinion that the petitioners have made out sufficient grounds for grant of anticipatory bail as sought.

10. So far as the apprehensions of learned P.P. regarding the petitioners tampering the prosecution witnesses and evidences, absconding from jurisdiction of this court and delaying the trial etc., are concerned, the same could be regulated by imposing reasonable conditions on the petitioners while enlarging them on

anticipatory bail and by doing so no hardship will be caused to the respondent. Hence, with this observation, I proceed to answer point No.1 in the affirmative.

11. In view of my answer to the above point in the affirmative, I proceed to pass the following:

ORDER

The petition filed u/sec.482 of B.N.S.S. by the petitioners/accused No.1 to 3 are hereby allowed.

The Investigating Officer in the event of causing arrest of the petitioners, in connection with Crime No.34/2026 of Venooru P.S. shall release the petitioners on bail by obtaining personal bond for a sum of Rs.75,000/- each (Rupees Seventy Five Thousand only) with one surety for the like sum subject to the following conditions.

1. The petitioners shall appear before this court within 2 months from the date of this order and shall obtain regular bail by furnishing surety.
2. They shall not tamper the prosecution witnesses and evidence.
3. They shall not leave India without prior permission of this Court.
4. They shall not indulge in commission of same kind of offence or similar type of offences.

5. They shall furnish their residential address proof document, mobile number, Whatsapp number, E-mail ID (if available) to enable them to be contacted. They are directed not to change any of the above until completion of trial.

Violation of any of the terms and conditions would entail the prosecution to takes steps for cancellation of the bail at any stage of proceedings.

(Dictated to the Stenographer Grade-I, transcript, revised, corrected, signed and then pronounced by me in the Open court, on this the 27th day of May, 2026.)

(MAANU K S)
Prl. District & Sessions Judge
D.K., Mangaluru. (C/c)