

KADK010024382026



Presented on : 03-06-2026
Registered on : 03-06-2026
Decided on : 10-06-2026
Duration : 0 years 0 month 7 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 10th day of June 2026

Crl.Misc./488/2026

Petitioners:

1. M.S. Mahammed Ansar
Aged about 36 years
S/o. M.S. Monu
R/at Shafeeq Manzil, Banthadka,
Shiralu village and post, Belthangady
Taluk, Dakshina Kannada-574217.

2. Mohammad Roshan
Aged about 25 years
S/o. M. Sharif,
R/at Peranamanja House,
Padangady village and post,
Belthangady Taluk,
Dakshina Kannada-574217.

(By Sri Shahajahan Abdullah, Advocate)

Versus

Respondent:

The State- by Belthangady P.S.,
Represented by learned Public Prosecutor,
D.K., Mangaluru.

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

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

The petitioners have filed this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of anticipatory bail in Crime No.36/2026 of Belthangady Police station, registered for the offences punishable under Sections 189(2), 191(2), 54, 115(2),

329, 329(4), 127, 324(4), 303(2), 351(2) r/w Section 190 of B.N.S., 2023.

2. Sri. Gopa Kumar, S/o Gopalan has lodged a complaint on 24.04.2026. It was stated in the complaint, on 24.04.2018 at 1:30 p.m. Manohar and other 25 persons illegally trespassed into the land of complainant, broke gate, damaged CC camera, DVR and took away memory card. Manohar and others also assaulted labours Venu and Ramu who were working in the land. Further Manohar and others barged inside the house and assaulted him. Further Manohar and others gave life threat that if the complainant did not vacate the property, they would kill. With respect to the property, a case is pending before the Hon'ble High Court of Karnataka. The case is also pending in O.S.No.1/2024 in Belthangady Court and despite granting injunction, the accused persons illegally trespassed the property. Based on the said complaint, the police have registered a case against the accused persons in Crime No.36/2026 for the aforesaid offences.

3. It is submitted by learned counsel for the petitioners that even according to the complaint

avermments, the petitioners herein were not part of the incident. The petitioners have no way concerned to the said incident and even no such incident was took place. Since civil dispute is pending, only to set right the said civil cases, the present complaint was filed. No specific overt act is attributed against these petitioners in the complaint. The co-accused have been already granted bail by this court. The petitioners are the permanent residents of the address mentioned in the cause title of the petition and would give complete cooperation to the investigating agency in completing the investigation. Hence, he seeks to enlarge the petitioners on bail.

4. The learned Public Prosecutor has filed objection along with Investigating officer report. It is contended by learned Public Prosecutor that despite the pendency of civil cases, the accused persons trespassed into the property of complainant, abused, assaulted and also damaged property. If petitioners are enlarged on bail, they may tamper the prosecution witnesses and may not appear before the court. Hence, she seeks to reject the bail application.

5. I have heard, learned counsel for the petitioners and learned Public Prosecutor for State.

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

1. Whether petitioners have made out reasonable grounds to enlarge them on anticipatory bail in the event of their 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, a civil dispute is pending between complainant and petitioners family with respect to property in question. The complainant claiming property belongs to him and the petitioners family claiming property belongs

to them. The complaint averments indicate, cases are pending before the Hon'ble High Court of Karnataka and Civil courts. In so far as incident is concerned, the accused persons illegally trespassed into the property of complainant, damaged properties and assaulted. The incident took place on 24.04.2026 and on the same day, the complaint was lodged. The complainant has not sustained severe injuries. Whether the accused persons illegally trespassed and assaulted the complainant is a matter of investigation. The co-accused have been already granted bail by this court. Taking into consideration of the allegations made in the complaint, this court is of the opinion that the petitioners are entitled to be enlarged on bail. Hence, I answer point No.1 in the '**Affirmative**'.

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

ORDER

The petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioners is hereby allowed.

The petitioners shall be released on bail in the event of their arrest in Crime No.36/2026 of Belthangady Police Station, D.K., for the aforesaid offences subject to following conditions.

1. They shall execute a personal bond for Rs.50,000/-each with one surety for the likesum to the satisfaction of the Investigating officer.
2. They shall co-operate with the investigating officer to complete the investigation.
3. They shall not tamper with the prosecution witnesses.
4. They shall appear before the jurisdictional court regularly.
5. They shall not involve in any crime or commit the similar crime.

(Dictated to the SG-I, typed by her, corrected and then pronounced by me in the Open court, on this the 10th day of June 2026)

(JAGADEESH V.N.)

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