



**IN THE COURT OF THE V ADDITIONAL DISTRICT AND  
SESSIONS JUDGE D.K. MANGALURU, SITTING AT  
PUTTUR, D.K.**

**Dated: This the 4<sup>th</sup> day of June 2026**

**: PRESENT :**

**SRI. SADANANDA NAGAPPA NAIK., BAL. L.L.B.,**  
V Additional District And Sessions Judge,  
D.K., Mangaluru, sitting at Puttur D.K.,

**:: Crl.Misc./5138/2026 ::**

|                   |           |                                                                                                                                                 |
|-------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Petitioner</b> | <b>1.</b> | <b>Abdul Siraj,</b><br>S/o. M. S Ibrahim,,<br>Aged about 32 years,<br>R/o Prathapa Nagara House,<br>Kadeshwalya Village,<br>Bantwal Taluk, D.K. |
|                   | <b>2.</b> | <b>Farooq,</b><br>S/o. Abubakkar,<br>Aged 32 years,<br>R/t. Bajara House, Thekkar Village,<br>Belthangady Taluk, D.K.,                          |
|                   |           | <b>(By Sri. S.N., Advocate)</b>                                                                                                                 |
| <b>- V/s -</b>    |           |                                                                                                                                                 |
| <b>Respondent</b> |           | <b>The State.</b>                                                                                                                               |
|                   |           | <b>(By Learned Public Prosecutor)</b>                                                                                                           |

\* \* \* \* \*

**: ORDER :**

The petitioners/accused persons have filed this petition U/Sec.482 of B.N.S.S. praying to grant Anticipatory Bail in their favour in connection with Crime No.82/2026 under section 303(2) r/w 3(5) of BNS 2023, Sec.4(1), 4(1A), 21(1), 21(4) of Mines and Minerals (Development and Regulation) Act 1957, sec.3, 42, 43 and 44 of Karnataka Minor Mineral Concession Rule 1994 on the file of I Addl. Civil Judge and JMFC court, Puttur, D. K.

**2. The petitioner's case is that:-**

The Sub Inspector of Police of Uppinangady Police Station filed complaint against the petitioners/accused persons for the above offences. On the basis of the said complaint, Uppinangady Police registered case in Crime No.82/2026 and I Addl. Civil Judge and JMFC court, Puttur, D. K. took cognizance of the offences. Hence, by apprehending arrest and detention, they have filed the present bail petition with following grounds;

**GROUND FOR BAIL**

That the innocent Petitioners are having deep rooted in the society and permanently residing at the respective address shown in the Cause Title and are hailing from their respectable

middle class families and are innocent of the alleged charges leveled against them and they have not committed any offence as alleged and a false case has been registered against them at the instance of their rivals by showing them as Accused. The Petitioners are neither habitual offenders nor ex-convicts and they are not committed any offence as alleged by the Complainant. Absolutely there is no iota of legally tenable evidence or material to show that the Petitioners have committed the alleged offences and they have no knowledge or connivance in alleged offence. The custodial detention of Petitioners are not required by the concerned police for their further investigation in the above said case since the police have already seized the above said red stones alleged to have involved in the case and even if the presence of the Petitioners are required for investigation purpose, they are ready and prepared to co-operate with the police. That there is no scope for the Petitioners either to tamper with the Prosecution Case or with the Prosecution Witnesses acquainted with the facts of the case. That the Uppinangady Police have visited the residential house of the Petitioners even during odd hours, holding threats to their family members, by stating that they will arrest and detain them in their

police lock up till the Petitioners are surrendered before them in the above case. The alleged charges is non bailable in nature and triable by the Magistrate Court and neither of the alleged charges punishable with death or imprisonment for life. The petitioners are ready to abide by any reasonable conditions that may be imposed by this Hon'ble Court on his release on bail and is ready to offer substantial security for their release on bail and for their due further appearance either before the concerned police or this court as and when required and co-operate with investigation. On these grounds, the petitioners pray to allow the above petition in the interest of justice.

3. The Learned Public Prosecutor has filed objections along with report of I.O., by interalia contending that the petitioners/accused have committed the offences punishable under section 303(2) r/w 3(5) of BNS 2023, Sec.4(1), 4(1A), 21(1), 21(4) of Mines and Minerals (Development and Regulation) Act 1957, sec.3, 42, 43 and 44 of Karnataka Minor Mineral Concession Rule 1994. There are prima-facie materials to show that, the petitioners/accused have committed the alleged offences. The case is under investigation and the investigation conducted so far reveals that there is prima-facie case against

the petitioners. The accused have stolen the mineral wealth of state and transported the same without paying any revenue to the government. If the accused are released on bail, there is a possibility that they may abscond without appearing before court and also they may threaten the prosecution witnesses. Despite a ban on mining and transportation in Dakshina Kannada, the accused stole and transported red stone without a license. Hence the petitioners/ accused persons are not entitled for anticipatory bail. In the event of release of the petitioners/accused persons, they may involve in similar type of offences. If the accused granted anticipatory bail, with the power of money and people he may destroy the evidence, hence they are not eligible for bail. Anticipatory bail is not a license to commit crimes and is not a shield against any crimes. The petitioner's application is not in accordance with Sec.482 of BNS. On these grounds, the Public Prosecutor prays to reject the above petition in the interest of justice.

4. I have heard the arguments on both sides and perused the materials on record.

5. From the above facts, the following points arise for my consideration.

- 1. Whether the petitioners/accused persons prove that the bail application filed u/s 482 of Cr.P.C., deserves to be allowed ?**
- 2. What Order?**

6. My answer to the above points are as under:-

**Point No.1            ::    In the affirmative**  
**Point No.2            ::    As per final order**  
for the following:-

**:: REASONS ::**

7. The petitioners herein is the case of the prosecution in a nutshell is that, on 20-05-2026, the complainant, as the driver of the departmental jeep number KA-19-G-0863, along with the station staff, was conducting a round in Uppinangady, Ilantila, Karaya, Nekkilady areas and checking vehicles at a distance of about 100 m from the Kumaradhara river bridge in Uppinangady village, Puttur taluk towards Uppinangady. At 4:20 p.m., the driver of a tipper lorry bearing reg. No.KA 21-D-0846 was driving from the Mani side on NH 75 without wearing a khaki uniform. He was stopped and the vehicle was inspected. After questioning the driver, he said that the tipper lorry was loaded with red stone and there is no permit from any authority or department to transport the stone. He said that it was illegally stolen from Addinamma in Kerala and transported to Ramanagara in Uppinangady with the

intention of earning more money. Accordingly, a case in crime No.82/2026 came to be registered against the petitioners/accused persons for the aforesaid offence.

8. Now the petitioners/accused persons are apprehending their arrest in the above said case. Further, they are apprehending ill-treatment by the police. The materials placed by the petitioners show that they are the resident of address shown in the cause title. Further, it is stated that they have deep roots in the society and ready to abide by any conditions and to offer solvent surety for their release on bail.

9. Herein, the materials on record shows that the complainant has filed complaint before the jurisdictional Court to punish the petitioners/accused persons for the offences punishable under section 303(2) r/w 3(5) of BNS 2023, Sec.4(1), 4(1A), 21(1), 21(4) of Mines and Minerals (Development and Regulation) Act 1957, sec.3, 42, 43 and 44 of Karnataka Minor Mineral Concession Rule 1994. The committal court took the cognizance and directed to register a criminal case against the accused persons.

10. In a decision reported in 2016(6) Karnataka Law Journal 274 (Manjunath Vs State of Karnataka), wherein it was held that **“considering that there are no previous antecedents against the petitioner except the present case, anticipatory bail deserves to be allowed.”**

In a decision reported in 2019(2) KCCR 1003 (Abdulla Khan Vs State of Karnataka), the Hon'ble High Court of Karnataka has held that **“if the alleged offences are not punishable with death or imprisonment for life, the allegations required to be substantiated only by production of documentary evidence- Custodial interrogation of petitioner may not be necessary”**.

Similarly, in a decision reported in 2018 (0) Supreme (KAR) 1148 (Abdulla Khan V/s State of Karnataka) wherein the Hon'ble High Court of Karnataka has held that **considering the nature of allegations leveled against the petitioner, in my view, the same are required to be substantiated only by production of documentary evidence for which the custodial interrogation of the petitioner may not be necessary.**

11. In the present case in my hand, it is not the case of the respondents that the petitioners/accused persons were involved in similar type of offences on earlier occasion also. Further, the alleged offences are not punishable with death or imprisonment for life. Under these circumstances, I am of the view that the apprehension of the State could be met with by imposing suitable conditions on the petitioners and the anticipatory bail could be granted in favour of the petitioners. Therefore, I record my answer to the above point in the **affirmative.**

12. **Point No.2:-** In the result, I proceed to pass the following:-

**: ORDER :**

***The petition filed by the petitioners/ Accused persons U/S.482 of B.N.S.S, is hereby allowed.***

***Accordingly, the petitioners/accused persons are directed to surrender themselves before the jurisdictional Court within 20 days from the date of receipt of the copy of this Order.***

***Consequently, the Jurisdictional Court is directed to release the***

***petitioners/ accused persons in Crime No.82/2026 on executing a personal bond for Rs.50,000/- (Rupees fifty thousand) each with one surety for the likesum, with following conditions;***

- 1. The petitioners/accused persons shall appear before the jurisdictional court regularly till the disposal of the Crime No.82/2026.***
- 2. They shall not tamper the prosecution evidence and threaten the prosecution witnesses directly or indirectly.***
- 3. They shall not repeat/involve in similar type of offences in future.***
- 4. They shall appear before the Court on all hearing dates without fail.***
- 5. They shall furnish their address proof to the jurisdictional Court.***

***The violation of above conditions entails cancellation of the bail.***

(Dictated to the stenographer on computer, typed by her, corrected by me and then pronounced in the open Court, today the 4<sup>th</sup> day of June 2026).

**(Sri. Sadananda Nagappa Naik)**  
V Addl. District and Sessions Judge,  
D.K., Mangaluru, sitting at Puttur, D.K.