



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

Dated: - This the 9th 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./5134/2026 ::

Petitioner	-	1. Ashok K Aged about 44 years, S/o Sheshappa Gowda, R/at Kullampady House, Aivarnadu Village and Post, Sullia Taluk, D K District. 2. Chennappa Gowda Aged about 65 years, S/o Gummanna Gowda, R/at Kindovu Hosue, Bajathur Village, Uppinangady Post, Puttur Taluk D K District.
		(By Sri. M K. Advocate)
- V/s -		
Respondent	-	State Uppinangady P. S.
		(By Learned Public Prosecutor)

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: ORDERS ON BAIL PETITION FILED
U/Sec.482 OF BNSS 2023 :

The petitioners have filed this petition u/Sec.482 of BNSS, 2023 to grant an order of Anticipatory Bail in their favour in connection with Crime No.76/2026 of Uppinangady Police Station, which is pending on the file of 1st Addl. Civil and JMFC Court, Puttur, D.K., in the interest of justice.

2. The Petitioner's case:-

The Uppinangady Police have registered a case in Crime No.76/2026 against the petitioners for the offences punishable u/Sec.352, 109 r/w 3(5) of BNS. In the event if the petitioner appears before the Uppinangady P.S., the Petitioner is apprehended that they would be arrested by the Police. Therefore, they have filed the present bail petition on following grounds ;

GROUND'S FOR BAIL

The arrest is not mandatory – as held in Arnesh Kumar v/s. State of Bihar and Satender Kumar Antil S. CBI on 15th January 2026. The petitioners are innocent of the offense alleged against them and they are falsely implicated in the above said case. There is no prima facie against the accused / Petitioners neither herein nor there are any ingredients to come to the conclusion that the Petitioners named here above have committed the above said

offenses or there are no reasonable grounds for believing that they are guilty of offenses as alleged. The case of the prosecution is based on presumptions and assumptions. The very prosecution case itself appears to be very artificial and repeatedly loses the track. The episode of filing complaint clearly indicates that it is premeditated, deliberate and is a game plan hatched to trap the Petitioners. In column 3(b) of the FIR, it is stated that the said complaint is oral. The FIR itself discloses that the complaint was allegedly oral in nature and there is no properly signed written complaint of the complainant produced before the Court. This creates serious doubt regarding the genuineness and authenticity of the prosecution story. The complaint is not filed instantaneously. It is filed with many deliberations and preparations. The incident alleged to have occurred on 12/05/2026 at 9.00 pm, but the complaint was lodged on 13/05/2026 at 3.00 pm and was registered at 5.15 pm in the police station. The delay in lodging the complaint itself looms large about the falsity of the case. The entire dispute arises out of a family and property dispute between close relatives. The criminal proceedings are being misused as a pressure tactic to settle personal scores and to gain an upper hand in the civil dispute. The wife of the 1st Petitioner had delivered a baby barely 11 days prior to the alleged incident and was residing at her

maternal house for postnatal care and customary post-delivery treatment and procedures. The Complainant, namely Rajesh, had allegedly come to the house in an intoxicated condition and created a quarrel in the house, during which the 1st Petitioner only attempted to pacify and prevent the altercation. However, out of revenge and with an intention to falsely implicate the Petitioners, the complainant has lodged the present complaint. The female members of the family, namely Ponnakka and Jankai, sustained injuries in the said incident and are currently undergoing medical treatment. The allegations made against the Petitioners are false, exaggerated, and motivated. The complainant party assaulted and abused the petitioners herein and their family and in connection with that a complaint is filed and FIR is registered vide crime no. 75/2026, Uppinangady Police Station, for the offence punishable under 118(1), 352, 351(2) r/w 34 of IPC. The present case is nothing but the counter blast and this complaint is the outcome of conspiracy to pressurize the petitioners and to give different criminal color to a civil case. The complainant himself is a person having criminal antecedents and several criminal cases are stated to be pending against him. The conduct and background of the complainant clearly indicate his tendency to involve in unlawful activities and to misuse the criminal machinery by falsely implicating the Petitioners. The

present complaint appears to be motivated and has been lodged with an ulterior intention to harass the Petitioners and settle personal scores arising out of the existing dispute. The complaint itself discloses material contradictions and improvements. Although the complainant alleges assault by both Petitioners, there are no specific overt acts attributed individually to each petitioner. The allegations are omnibus and vague in nature. The 1st Petitioner himself sustained injuries in the very same incident and had undergone medical treatment and surgery. The prosecution has deliberately suppressed the injuries sustained by the Petitioners, which clearly probabalises that the incident was not a unilateral assault as falsely projected. The 1st Petitioner is currently under post-operative medical care and has been advised strict bed rest by the treating doctors. In the event of arrest and detention, there is every possibility of deterioration of his health condition and risk of infection to the operated area, causing irreparable hardship and prejudice. There is absolutely no ingredients to bring home the offense punishable under section 352, 109 r/w 3(5) of BNS as alleged. The said sections are inserted only to harass the petitioners. The petitioners are law abiding citizens and deeply rooted in the society and are living in the above said address along with their respective families, as such there are no chances of absconding. Also, there are no

chances of tampering the witnesses by this petitioner. The Petitioners have no criminal antecedents. The 1^a petitioner is married and residing with his old aged parents, wife and 2 minor children. The wife of the 1st Petitioner had delivered a baby barely 11 days prior to the alleged incident and was residing at her maternal house for postnatal care and customary post-delivery treatment and procedures. Under such circumstances, the 1st Petitioner is required to look after his wife, the newborn child, and the family members, and his arrest would cause severe hardship and irreparable prejudice to the family. There are no other male members in the family. The petitioner is the only bread earner of the family. The 1st petitioner is having the responsibility of looking after them and the family is under pressure and mental agony. The 1st petitioner owns shop by name HKA Tiles in Mangalore and Sullia and sells Tiles in wholesale. The 2nd petitioner is aged about 65 years. He is a senior citizen. He is married and residing with his wife. There are no other male members in the family. The 2nd petitioner is serving as a member in the Uppinangady C A Bank since 20 years. If the petitioners are taken into custody, there are every chances of coming into contact with hardcore criminals, thus their future may spoil and their image may be tarnished. If the petitioners are taken into custody and sent behind the bars, that may result in

pretrial conviction. One of the offense alleged against the accused/petitioners is non-bailable in nature, but it is neither punishable with life imprisonment nor with death sentence. The petitioners are not required for custodial interrogation. The Petitioners are ready to offer surety for their release on bail and are ready and willing to abide by conditions, which this Honorable Court deems fit to impose under the circumstances of the above case. On these grounds, the petitioner prays to allow the above petition in the interest of justice.

3. The Learned Public Prosecutor has filed objections along with the report of the I.O. by interalia contending that, the petitioner has committed offences punishable u/Sec.352, 109 r/w 3(5) of BNS. The offences alleged against him is heinous in nature. The injured and the Accused are relatives and if the Accused are granted bail, there is a possibility of further family dispute. The injured is in serious condition and undergoing treatment. If the petitioners are released on bail, they may commit similar crime in future also. The investigation is still pending. The investigation conducted so far reveals that there is prima-facie case against the petitioners/accused persons. If the accused persons are released on bail, they may abscond or there are chances of destroying the evidence and they may not co-operate with the I.O., in proper

investigation of the case. They may hamper the investigation and trial. The grounds urged in the petition for anticipatory bail are concocted story. The petitioners have not made out sufficient grounds for grant of anticipatory bail. On these grounds the learned Public Prosecutor prays to reject the above bail petition in the interest of justice.

4. I have heard the arguments on both sides. The learned counsel for the petitioner has produced discharge summary of Complainant and Thayi card of wife of 1st Petitioner. Further the learned counsel for the petitioner has relied upon four citations. Perused the same.

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

1. Whether the petitioners/accused persons have made out sufficient grounds for grant of Anticipatory Bail as prayed for in the petition?

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. **Point No.1:** The petitioners/accused persons are facing prosecution in Crime No.76/2026 of Uppinangady Police Station, which has been registered against him for the offence punishable u/Sec.352, 109 r/w 3(5) of BNS. on the basis of complaint given by the complainant. The case of the prosecution in brief is that, on 12.05.2026 at around 9.00 pm, while the wife of the Complainant Smt. Suchithra was sitting in the sitout of her maternal house at Kindovu, Bajattur village, Puttur taluk, the husband of his wife's sister Yogita, addressed the complainant and said, "Have you also come to this house? Why have you come here? You have no right to this house?" and abused him in filthy language and stated as "You have no right to come to this house." He stabbed him with a sword inside the house, saying, "I will kill you right now." Then, when the complainant held his hand to avoid the sword blow, the sword blow hit his head and right hand, causing serious injuries. Accused Ashok returned the blow with the sword, causing serious injuries to his right shoulder and back. At the same time, his father-in-law Chennappa Gowda, who was in the house, attacked him with a stick and told the complainant that he should not come to his house. Accordingly, the Complainant have filed a case against the petitioners/accused persons in Uppinangady Police Station, as per Crime No. 76/2026.

8. The learned counsel for the petitioner and learned Public Prosecutor have argued as per their contentions taken in their respective petition and objections. I have carefully perused the contents of bail petition, documents produced along with it and objection filed by the learned Public Prosecutor.

9. The pleadings and materials produced by the petitioners/accused persons indicates that, the allegations made by the complainant shows that, there is a family dispute between the Complainant and accused persons. Accused No.1 and the Petitioner are the son-in-law's of Accused No.2. The petitioners are ready to co-operate with the I.O., in proper investigation of the case and undertake to keep themselves present before the Court. Therefore, it appears that on facts and circumstances of the case, this is a fit case to exercise discretion of granting bail in favour of the petitioners/accused. Under these circumstances, I am of the view that by imposing suitable conditions on the petitioners, the apprehension of the State could be met with. The documents produced by the petitioners show that they are the residents of address shown in the cause title. Further, it is stated that they have got strong and permanent roots in the society and ready to abide by any conditions and to offer surety for their release on bail.

10. The alleged offences are not punishable with death. The discharge summary do not disclose the names of assailants as contended by the counsel of petitioners. Whether the accused persons have committed the offences or not is a matter of trial. There appears to be civil dispute between the parties as contended by the counsel for petitioners. Therefore, considering the facts and circumstances of the case and societal interest, I am of the view that anticipatory bail could be granted to the petitioners/accused persons in the present case. It appears 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 No.1 in the affirmative.**

11. **Point No.2** :For the foregoing reasons, I proceed to pass the following:-

: ORDER :

The petition filed by the petitioners/ accused persons U/Sec.482 of B.N.S.S., 2023 is hereby allowed.

Accordingly, in the event of arrest of the petitioner/accused in Crime No.76/2026 on the file of Uppinangady Police Station, the investigating officer/ arresting officer shall release them by taking a personal

bond for Rs.1,00,000/-each (Rupees One Lakh) with two sureties (one of surety shall be government Servant) each for the like sum, with following conditions.

- 1. The petitioners/accused persons shall surrender themselves before the SHO, Uppinangady Police Station, within 20 days from today.***
- 2. They shall not tamper the prosecution evidence and threaten the prosecution witnesses directly or indirectly.***
- 3. They shall appear before the investigating officer on every Thursday between 10.00 a.m., and 1.00 p.m., for a period of two months and shall co-operate with him in proper investigation of the case.***
- 4. They shall not commit/involve in similar type of offences in future.***
- 5. They shall produce their address proof to the I.O.***

The violation of above conditions entails cancellation of the bail.

(Dictated to the stenographer directly on computer, typed by her, corrected by me and then pronounced in the open Court today the 9th day of June 2026).

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