



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

**Dated: - This the 9<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./5144/2026 ::**

|                   |   |                                                                                                                                                                 |
|-------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Petitioner</b> | - | <b>Shekhara Gowda M @ Shekhara Gowda</b><br>Aged about 47 years,<br>S/o Padmayya Gowda<br>R/at Ulipu house,<br>Kutrupady Post and Village,<br>Kadaba Taluk, D K |
|                   |   | <b>(By Sri.A.K., Advocate)</b>                                                                                                                                  |
| <b>- V/s -</b>    |   |                                                                                                                                                                 |
| <b>Respondent</b> | - | State<br>Kadaba P. S.                                                                                                                                           |
|                   |   | <b>(By Learned Public Prosecutor)</b>                                                                                                                           |

\* \* \* \* \*

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

The petitioner has filed this petition u/Sec.482 of BNSS,  
2023 to grant an order of Anticipatory Bail in his favour in

connection with Crime No.58/2026 of Kadaba Police Station, which is pending on the file of 2<sup>nd</sup> Addl. Civil and JMFC Court, Puttur, D.K., in the interest of justice.

## **2. The Petitioner's case:-**

The Kadaba Police have registered a case in Crime No.58/2026 against the petitioner for the offences punishable u/Sec.118(1), 352, 351(3) of BNS. In the event, if the petitioner appear before the Kadaba P.S., the Petitioner is apprehended that he will be arrest by the Police. Therefore, he has filed the present bail petition on following grounds ;

### **GROUND FOR BAIL**

The arrest is not mandatory – as held in Arnesh Kumar v/s. State of Bihar and Satender Kumar Antil S. CBI on 15<sup>th</sup> January 2026. The petitioner is innocent of the alleged offenses and he has been falsely implicated in the above case just to harass him. The allegation made in the compliant is totally false. No such incident as alleged in the compliant as ever taken place. In the complaint, the Petitioner scolded the complainant and her son with abusive words, threatened their lives and attacked them with a knife and the Kadaba Police have registered a case in crime No: 58/2026. for the offenses under section 118(1), 352 and 351(3) of BNS. To counterblast this complaint has been lodged. The

petitioner is doing coolie work and residing with his family members and within the jurisdiction of this Hon'ble court. He will abide by any reasonable conditions imposed by this Hon'ble court. The petitioner herein is ready and willing to assist the investigation. The petitioner is ready to offer solvent surety for his release on bail. Neither custodial detention nor custodial interrogation of the petitioner is essential in 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.118(1), 352, 351(3) of BNS. The offences alleged against him is heinous in nature. The Complainant and the Accused are relatives and the Complainant is constructing a new house and to stop the construction of work, by jealousy, the Accused has threatened the Complainant and abused in filthy language. If the Accused is granted bail, there is a possibility of further family dispute. The injured/Complainant is undergoing treatment. If the petitioner is released on bail, he 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

petitioner/accused. If the accused is released on bail, he may abscond or there are chances of destroying the evidence and he may not co-operate with the I.O., in proper investigation of the case. He may hamper the investigation and trial. The petitioner has 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 the documents. Perused the same.

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

- 1. Whether the petitioner/accused has 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 petitioner/accused is facing prosecution in Crime No.58/2026 of Kadaba Police Station, which has been

registered against him for the offence punishable u/Sec.118(1), 352, 351(3) of BNS., on the basis of complaint given by the complainant. The case of the prosecution in brief is that, the complainant is constructing a house on his land and the complainant's son Sunil has come on leave. On this day, 14-05-2026, at 11:30 am, while the house was being constructed, the complainant's husband's younger brother, Shekhar, came to the complainant's house and verbally shouted that "you beggars, do not work here, this is my land." He held a Sickle (ಕೆಡೆ) in his hand and threatened that, he would not let complainant go until he is killed. When he was about to kill the complainant with a sickle, the complainant's son, Sunil, came close and held him. As a result of the attack by Shekhar with the sickle, the complainant's right hand, the complainant's son Sunil's right thumb and the palm of his left hand were injured. Based on the complaint, Kadaba Police Station registered a case under Sections 118(1), 352, 351(3) of the BNS.

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 petitioner/accused persons indicates that, the allegations made by the complainant shows that there is a family dispute between the Complainant and accused. Accused No.1 and the Petitioner are the relatives. The petitioner is ready to co-operate with the I.O., in proper investigation of the case and undertake to keep himself 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 petitioner/accused. Under these circumstances, I am of the view that by imposing suitable conditions on the petitioner, the apprehension of the State could be met with. The documents produced by the petitioner show that he is the resident of address shown in the cause title. Further, it is stated that he has got strong and permanent roots in the society and ready to abide by any conditions and to offer surety for his release on bail.

10. The alleged offences are not punishable with death or imprisonment for life. The alleged offences are triable by the judicial Magistrate Court. 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 petitioner/accused in the present case. It appears that the apprehension of the State

could be met with by imposing suitable conditions on the petitioner and the anticipatory bail could be granted in favour of the petitioner. 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 petitioner/accused 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.58/2026 on the file of Kadaba Police Station, the investigating officer/ arresting officer shall release him by taking a personal bond for Rs.50,000/- (Rupees fifty thousand) with one surety for the like sum, with following conditions.***

- 1. The petitioners/accused persons shall surrender himself before the SHO, Kadaba Police Station, within 20 days from today.***
- 2. He shall not tamper the prosecution evidence and threaten the prosecution witnesses directly or indirectly.***
- 3. He shall not commit/involve in similar type of offences in future.***

- 4. He shall appear before the Jurisdictional Court and furnish self bond and surety within 20 days from today.**
- 5. He shall produce their address proof to the Jurisdictional court and 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 9<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.