

KADW010023802026



Presented on : 30.06.2026
Registered on : 01.07.2026
Decided on : 17.07.2026
Duration : 00 years, 00 months, 18 days.

**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, AT: DHARWAD.**

DATED THIS THE 17th DAY OF JULY, 2026.

Present:

**SMT. POORNIMA N. PAI
B.Com.,LL.M.
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.**

CRIMINAL MISCELLANEOUS CASE No.336 / 2026.

PETITIONER: Shri. Devaraj S/o. Vithal Airani,
Age: 43 years, Occ: Govt. Employee,
R/o. Renuka Nivas, Jayanagar, 1st Main,
2nd Cross, Dharwad.

(By Shri. T. R. Patil., Advocate)

Vs.

RESPONDENT: The State of Karnataka,
Dharwad Sub-Urban P.S.
Represented by Public Prosecutor,
Principal District and Sessions,
Dharwad.

(By Public Prosecutor, Dharwad)

ORDER

Petitioner has filed the present petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of anticipatory bail to him for the offences punishable under Sections 115(2), 132, 324(4), 324(5), 351(2), 351(3) and 352 of Bharatiya Nyaya Sanhita, 2023 in Crime No.154/2026 of Dharwad Sub-Urban Police Station, Dharwad.

2. Brief facts of the petitioner's case, as mentioned in the petition, are that, on 23.06.2026 one Shripad S/o. Vaman Ulakarni has filed a complaint alleging that, on 18.06.2026 at about 4:30 P.M. while the complainant was looking at the files in his chamber at office, the accused came to his chamber to submit a personal application. At that time, the complainant has refuse to receive the same by stating that, first he would receive the office papers of the previous day and then he would accept accused personal application, all off sudden the accused abused him

with filthy language and slapped him hard on the forehead while the complainant was sitting on the chair. Due to which his eye glasses broken and shattered. Thereafter, hearing the loud noise, the office staff Shri Khurashid Maniyar and Smt. Kavita Kalakeri, PDS came inside the chamber and taken the accused towards outside but he was continued his quarrel on complainant. All these incidents were capatered in the Office CCTV footage. Further, the accused had beaten the complainant and scolded him in filthy language and gave life threat. Hence, the complaint is filed. On the basis of said complaint, Dharwad Sub-Urban Police Sation, Dharwad registered a case in Crime No.154/2026 for the offences punishable under Sections 115(2), 132, 324(4), 324(5), 351(2), 351(3) and 352 of Bharatiya Nyaya Sanhita, 2023 against the accused. The Police are knocking the doors of the accused / petitioner for

his arrest. Hence, he has filed the present petition seeking anticipatory bail on the following grounds:

GROUND

That, the petitioner is innocent and he is falsely implicated in the said case by the person, who are motivated and inimical against him. As per complaint this petitioner and complainant are close relative and they have civil disputes due to which the complainant has falsely implicated this petitioner in this case. The police have visiting the house of petitioner and threatening his family that they will arrest petitioner and detained him in custody. The petitioner with apprehension of his arrest and his detention has filed this petition. He is a permanent resident of Dharwad and having movable properties in the society. He is ready and willing to abide by any reasonable conditions imposed on him and ready to offer surety in the event of grant of anticipatory bail to him. He has wife and two children and he being a Government

employee his arrest may cause heavy loss to him and his family. Hence, the petitioner prays to allow the petition.

3. The learned Public Prosecutor appeared and filed detailed objections to the main petition along with Investigating Officer Report and contended that, the petition is not in accordance with law and not maintainable under law. Further, the learned Public Prosecutor narrated the facts of the case as stated above in preceding paragraph.

4. The learned Public Prosecutor further submitted that, the spot panchanama has been conducted and recorded the statements of the witnesses. The present accused has deterred the complainant from discharging his public duty and assaulted him, abused him in filthy language and gave life threat. If the present accused is released on anticipatory bail, he may give threat to the complainant and other prosecution witnesses not to depose against him

before the Court and may commit similar offence and may remain absent for trial and cause delay. On these grounds the learned Public Prosecutor prays to reject the petition.

5. The Investing Officer has filed his report stating the facts / grounds as stated by the learned Public Prosecutor and prays to reject the petition.

6. Heard arguments of Advocate for the petitioner and the learned Public Prosecutor. Perused the records. The Advocate for the petitioner has produced the copy of Aadhaar Card of the petitioner, copy of F.I.R. and complaint. The advocate for petitioner has also filed a memo along with copy of ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ 19(1)ರನ್ವಯ ಮೊದಲನೆ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರವು ಹೊಡಿಸಿದ ಆದೇಶ, the letter which is given to joint director. E-status copy of Civil Dispute cases details.

7. The points that arise for my consideration are as under:

- 1. Whether the petitioner has made out sufficient grounds for grant of anticipatory bail to him under Section 482 of BNSS as prayed in the present petition?***
- 2. What order ?***

8. My findings to the above points are as follows:

Point No.1 : In the Negative,

**Point No.2 : As per final order,
for the following,**

REASONS

9. **Point No.1:** **Section 482 of BNSS**
empowers this Court to grant anticipatory bail as
under:

482. Direction for grant of bail to person apprehending arrest.

(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after

taking into consideration, inter alia, the following factors, namely:-

- (I) the nature and gravity of the accusation;*
- (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*
- (iii) the possibility of the applicant to flee from justice; and*
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.*

The petition is filed by the petitioner under Section 482 of Bharatiya Nagarika Suraksha Sanhita, 2023 seeking anticipatory bail. Section 531 of BNSS clearly states that, all the appeal, application, trial, enquiry or investigation pending immediately before the date on which this Sanhita comes into force, shall be disposed

off continued held or made as the case may be in accordance with the provisions of Code of Criminal Procedure, 1973 as in force immediately before such commencement as if this Sanhita had not come into force. Hence, Section 482 of BNSS is applicable for anticipatory bail in the present case and same is applied.

10. The offences alleged against the accused are under Sections 115(2), 132, 324(4), 324(5), 351(2), 351(3) and 352 of Bharatiya Nyaya Sanhita, 2023. Name of the present accused is shown as accused in F.I.R. The Advocate for petitioner has produced the copy of F.I.R in Crime No.154/2026.

11. The learned Public Prosecutor in his objections to the main petition contended that, the complainant being Gazatted official as Deputy Director in Fisheries Department, District Panchayath, Dharwad is harassed by the present petitioner continuously prior to this incident. The accused is being co-working of

the complainant has demanding to accept his personal papers during the public service. However, the complainant has stated that first he would accept public applications thereafter accept his personal application. Due to which the accused has abused the complainant in filthy language and assaulted the public servant from discharge of his duty. The entire conversation and incident has been captured in CC TV footage. No doubt there is a delay of 5 days in lodging the complainant. But that cannot be a sole ground for release of accused on anticipatory bail.

12. In this case, the complainant alleged about continuous harassment and life threat by the petitioner that too in public place i.e., in Fisheries Department, District Panchayath Office by slapping on his face and head and abusing him in filthy language. If this type of attitude is allowed to be continued, the working Government official cannot perform their duty without any fear inside the Government department as well as

in working premises. Considering all these facts, I am of the opinion that, the nature of harassment given by the petitioner and the derogatory language alleged to have been used is on record at this stage, petitioner is not entitled to be released on anticipatory bail as prayed for by him. Hence, I have answered this **point No.1 in Negative.**

13.**Point No.2:** Upon discussion made above, I proceed to pass the following,

ORDER

The petition filed by the petitioner under Section 482 of Bharatiya Nagarika Suraksha Sanhita, 2023 is hereby rejected.

(Dictated to the stenographer directly on computer, typed by her, corrected, print out signed and then pronounced by me in open court on this **17th day of July, 2026.**)

(Smt. POORNIMA N. PAI)
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.