

KASM600003142026



**IN THE COURT OF V ADDL. DISTRICT &
SESSIONS JUDGE, SHIVAMOGGA,
(SITTING AT SAGAR)**

PRESENT **Sri. Ravindra R. B.A.L., LL.M.**
V Addl. District & Sessions Judge,
Shivamogga. (Sitting at Sagar).

Dated this the 8th day of June, 2026

Crl.Misc.No.10137/2026

PETITIONER/S: Udaya Kumar S.
S/o Somashekhara,
Aged about 40 years,
R/at Sorekoppa,
Vijapura,
Melinasampalli post,
Hosanagara Taluk,
Shivamogga District.
[represented by—
Sri.K.B.Harish- Advocate]

-Vs-

RESPONDENT : State of Karnataka by
Police Inspector,
Hosanagara Police Station,
Hosanagara Taluk,
Shivamogga District.
[represented by:
Public Prosecutor]

ORDER

This petition is filed by the petitioner under Section 482 of B.N.S.S., 2023 seeking a direction to respondent-Police to release him on bail in the event of his arrest in Crime No.0058/2026 registered by the respondent-police for the offences punishable under Sections 352, 115(2), 118 (1), 75, 79, 329(4) and 351 (2) of BNS, 2023.

2. Brief facts that led to this petition are under:

One Smt.Geetha W/o Ganesh Naik lodged first information before the respondent police that, she along with her husband and four daughters are residing in Totadakoppa village, Hosanagara Taluk. The accused used to come near his house and pick up a fight with her and her family members and abuse them by using filthy words. The villagers had asked him not to harass her. Despite that, the accused used to harass her and her family members by abusing them by using filthy words. On 26.05.2026, she and her family members had gone to the temple. At about 6.30 p.m., she and her family members returned to her house. The accused after seeing them, picked up a fight

with them and abused them by using filthy words and when her husband questioned the accused for abusing them, the accused pick up a club and reap and assaulted him. When she tried to rescue her husband, the accused also assaulted her with the club and reap. Out of fear, she and her family members went inside the house and locked the door. At that time, the accused hit the door of her house by using the club. At that time the villagers came to the spot. After seeing them, the accused left the spot. While leaving the spot, the accused threatened her and her family members with dire consequences. Hence, he lodged first information to take action against the accused.

3. Based on the said information, the respondent-Police registered FIR against the accused. Now, the petitioner who is apprehending his arrest at the hands of respondent-Police, has filed this petition seeking pre-arrest bail on the following amongst other grounds:

The petitioner is innocent of the offences alleged against him and he has not at all committed any offences. He is eking out his livelihood by doing coolie work. He has been falsely implicated in this case. The petitioner has

not assaulted the first informant. The first informant has made false allegations against the petitioner. He hails from respectable family and having good reputation in the society. He has no bad antecedents. He has undertaken to abide any terms and conditions that may be imposed by this court while granting bail. On these among other grounds, the petitioner has sought this Court to grant him pre-arrest bail.

4. The bail petition is opposed by learned Public Prosecutor by filing objections. It is contended that the petitioner has committed serious offences. There is a prima-facie case against him. Investigation is still in progress. At this stage, if the petitioner is released on bail, there are chances of he giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process. Hence, prayed to reject the petition.

5. Heard both the sides.

6. The following points arise for my determination:

1. Whether the petitioner has made out sufficient grounds for grant of anticipatory bail?

2. What order?

7. My findings to above points are:

Point No. 1: In the Affirmative.

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

REASONS

8. **POINT NO.1:** The petitioner along with petition has produced a certified copy of FIR, first information, pf, crime details form and sketch.

9. The petitioner is accused of commission of offences punishable under Sections 352, 115(2), 118 (1), 75, 79, 329(4) and 351 (2) of BNS, 2023. As the offences under Section 75 and 118 (1) of BNS, 2023 are non-bailable, apprehension of accused-petitioner of his arrest is well founded. As such, he can maintain this petition.

10. The learned counsel for petitioner urged that the petitioner has not committed any offences as alleged by the first informant. He has been falsely implicated in the case. On the other hand, the learned P.P. submitted that there is a prima-facie case against the petitioner. If he is

released on bail, there are chances of petitioner giving threat to witnesses, destroying evidence, abscond permanently and derail the investigation process.

11. The allegations made against the petitioner are that, he abused the first informant and her family members by using filthy words and assaulted them and caused injuries. It is the contention of the petitioner that, the petitioner has not assaulted the first informant. The first informant has made false allegations against the petitioner.

12. It is the specific contention of the petitioner that, he has not committed any offences as alleged in the first information. The first informant has lodged false information against him. However, the allegations made against the petitioner have to be proved at full-fledged trial. He undertakes to abide by any terms and conditions. There are no allegations of accused-petitioner having criminal antecedents. In the facts and circumstances made out, considering the gravity of the offences, I am of the opinion that the petitioner is entitled for an order of pre-arrest bail. Apprehension of prosecution can be met by imposing stringent conditions and by obtaining sufficient

surety to the satisfaction of the court. Hence, I hold that the petitioner is entitled for an order of anticipatory bail. Accordingly, point under consideration is answered in **Affirmative.**

13. **POINT NO.2:** In view of my discussions and finding to above point, I proceed to pass the following:

ORDER

Petition filed by petitioner under Section 482 of BNSS is hereby allowed.

Consequently, in the event of arrest of petitioner in Cr.No.0058/2026 of Hosanagara Police Station for the offences punishable under Section 352, 115(2), 118 (1), 75, 79, 329(4) and 351 (2) of BNS, 2023, he is ordered to be released on bail, on his executing personal bond for a sum of Rs.1,00,000/- and shall furnish one surety for like-sum to the satisfaction of the investigation officer on the following conditions:

1. The petitioner shall appear before the investigation officer on or before one month from the date of this order and in that event

Investigation Officer to take bond and to release him.

2. He shall appear before the investigation officer as and when called upon and co-operate with the investigation.

3. He shall not give threat to the prosecution witnesses in any manner.

4. He shall not indulge in similar offences in any manner.

5. He shall appear before the Court on all the dates of hearing unless prevented by any genuine cause and exempted by the Court.

(Dictated to the Stenographer transcribed by her and transcript, corrected by me and then pronounced in open Court on this the **8th day of June, 2026**)

(Ravindra R.)

V Addl.District & Sessions Judge,
Shivamogga. (Sitting at Sagar).