



**IN THE COURT OF THE PRINCIPAL DISTRICT AND  
SESSIONS JUDGE, U.K-KARWAR**

**Present:**

**Sri. PARAMESHWARA PRASANNA.B.,** *B.A. LL.B.*  
Prl. District & Sessions Judge,  
Karwar-U.K

***Dated this the 10<sup>th</sup> day of March, 2026***

**Crl. Misc. No.92/2026**

**Petitioners:**

- 1) Sri. Prabhakar Rama Naik,  
Age: 48 years, Occ: Contactor,  
R/o: Chitrapur, Shirali,  
Bhatkal, Uttar Kannada.
- 2) Sri. Devendra Narayan Bakkada @ Naik  
Age: 38 years, Occ: Labourer,  
R/o: Basti, Kaikini,  
Bhatkal, Uttar Kannada.

(By Sri. Maruti B. Naik Adv.)

// Vs. //

**Respondent**

: The PSI/IO,  
The Bhatkal Rural Police Station,  
Represented by Public Prosecutor,  
U.K. Karwar.

(By Public Prosecutor,  
Prl. District & Sessions Court, Karwar)

**ORDER**

The present Bail Petition is filed by the Petitioners under  
Section 482 of BNSS for an Order of Anticipatory Bail in the

event of their arrest in Crime No.52/2026 of the Respondent Police Station for the offences punishable under Sections 74, 126(2), 115(2) & 352 read with Section 3(5) of BNS, 2023.

2. In the Bail Petition it is contended that, the Petitioners are innocents and they have not committed any offences. The Petitioners are having good reputation and strong roots in the society. The Petitioners are permanent resident of their address shown in the cause title of the petition. The Petitioner No.2 had earlier lodged complaint against the complainant and which came to be registered before Respondent PS. in Cr.No.48/2026. As a counterblast to said complaint, complainant has lodged false complaint against the Petitioners with intention to harass the Petitioners. The Petitioners undertake that they will not tamper the prosecution witnesses and they are always ready to co-operate with the investigation. The Petitioners are ready to abide by any conditions that may be imposed by the Court and they are ready to give proper surety to ensure their regular attendance before the concerned Court. The Petitioners by strongly apprehending their imminent arrest by the Respondent Police in Crime No.52/2026 have been constrained to file this Petition. Inter-

alia, on these grounds the Petitioners pray for allowing of the Bail Petition.

3. Whereas, the learned Public Prosecutor in her objection by reiterating the averments made in the FIR has contended that, the Petitioners have committed the offences punishable under Sections 74, 126(2), 115(2) & 352 read with Section 3(5) of BNS, 2023. The evidence so far collected by the Investigating Officer and the statement of witnesses recorded by him prima-facie shows that the Petitioners have committed the alleged offences. The investigation is under progress. If the Petitioners are released on bail, they may cause hindrance for the further investigation or they may threaten the prosecution witnesses or they may abscond by violating the bail conditions. Inter-alia, with these contentions, the Learned Public Prosecutor prays for rejecting of the Bail Petition.

4. Heard counsel for Petitioners and learned PP. Perused the material on record.

5. On the basis of material on record, the following Points arise for my determination:-

1. Whether the Petitioners have made out sufficient or reasonable grounds

to enlarge them on anticipatory bail under Section 482 of BNSS?

2. What Order?

6. My findings on the above Points are as follows:

**Point No.1** : In the **Affirmative**,

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

### **REASONS**

7. **Point No.1** :- The case was registered before the Respondent Police Station on 24-02-2026 in Crime No.52/2026 against Accused No.1 & 2 for the offences punishable under Sections 74, 126(2), 115(2) & 352 read with Section 3(5) of BNS, 2023 based on the complaint lodged by Sri. Ganesh Anant Achari.

8. The sum and substance of the FIR is that, on 23-02-2026 at about 12-50 p.m, while the complainant was going to his residence at Chitrapur Road, he found 1<sup>st</sup> accused along with his servant 2<sup>nd</sup> accused digging the road leading to house of complainant for installing pipeline and when the complainant's sister Smt. Rohini objected the same, 1<sup>st</sup> accused with hands pushed Smt. Rohini and when the

complainant rushed to the spot, the accused persons restrained the complainant and they abused him with filthy words “ಸೂಳೆಮಗನೆ ಇದು ನಿಮ್ಮ ಅಪ್ಪನ ರಸ್ತೆ ಅಲ್ಲ.” and then Accused No.1 and 2 thrashed complainant by hands and accused No.1 pushed and felled the complainant to the ground and on impact of the same, complainant sustained injury to his right thigh and thereby according to the prosecution, Accused No.1 & 2 have committed the offences punishable under Sections 74, 126(2), 115(2) & 352 read with Section 3(5) of BNS, 2023.

9. The materials on record shows that in respect of very same incident case and counter cases registered before the Respondent Police Station in Cr.No.48/2026 and Cr.No.52/2026 and hence actual truth regarding incident is to be ascertained after full fledged trial.

10. The offences in respect of which Petitioners seeking Anticipatory Bail are not exclusively punishable with extreme penalty of death or imprisonment for life.

11. Since the Petitioners have undertaken to co-operate with the I.O, during investigation even if the Petitioners are

granted with anticipatory bail, the I.O., can still hold investigation.

12. It is presumed that the Accused No.1 & 2 are innocents until the guilt is proved beyond all reasonable doubts, in full fledged trial by the prosecution. Until then it is not proper to put the Accused No.1 & 2 in jail as a measurement of pre-trial punishment.

13. It is settled position of law by the Catena of decision of Hon'ble Apex Court and various High Courts that the bail is the rule and jail is an exception and securing the presence of Accused for trial and protection of witnesses from tampering are main consideration at the stage of granting bail.

14. The Petitioners claim to be the permanent resident of their address shown in the cause title of the Bail Petition. It is urged that the Petitioners are ready and willing to furnish surety to the satisfaction of this Court to ensure their attendance before the I.O and the Court and they are also ready to abide by any conditions imposed by Court. As such, possibility of the abscondance of Petitioners are too remote.

15. The apprehension and interest of the prosecution that the Petitioners may tamper with the prosecution witnesses or they may abscond can be taken care and safeguarded by imposing some suitable conditions. Hence by considering all these aspects, I am of the opinion that the Petitioners are entitled for Bail and accordingly, I answer the above Point No.1 in the **Affirmative.**

16. **Point No.2 :-** In view of my findings on Point No.1, I proceed to pass the following;

### **ORDER**

The anticipatory Bail Petition filed by the Petitioners under Section 482 of BNSS is hereby **allowed.**

The Respondent-Police is hereby directed to release the Petitioners on anticipatory bail in the event of their arrest in crime No.52/2026 on execution of their personal bond for Rs.1,00,000/- each with one surety for the like sum subject to the following conditions.

1. The Petitioners shall execute personal bond for Rs.1,00,000/- each with one surety for the like sum before the concerned Court within 25 days from the date of this order and after executing of personal bond and surety bond, the Petitioners shall regularly appear before the concerned Court

on all hearing dates except, on unavoidable circumstances.

2. The Petitioners shall co-operate with the I.O during investigation.
3. The Petitioners shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
4. The Petitioners and their sureties shall produce the authenticated documents of their address proof before concerned Court.
5. The Petitioners shall mark their attendance before the Respondent PS once in fortnight in between 7-00 a.m. to 6.00 p.m, till filing of the charge sheet by the Respondent Police.

*(Dictated to the Stenographer directly on system, corrected, signed and then pronounced by me in the open Court on this the 10<sup>th</sup> day of March, 2026)*

**(PARAMESHWARA PRASANNA B.)**  
Prl. District & Sessions Judge,  
U.K-Karwar