



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

***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.94/2026**

**Petitioner** : Johnson Liyanv Pinto  
Age: 22 years, Occ: Private Service,  
R/o: #248, Kasarkod, Tonka-1,  
Hirematha, Honnavar,  
Uttara Kannada District  
(By Sri. Maruti B. Naik, Adv)

Vs

**Respondent** : The PSI/IO,  
Honnavar Police Station,  
Represented by Public Prosecutor,  
Uttara Kannada, Karwar.

(By Public Prosecutor,  
Prl. District and Sessions Court, Karwar (U.K))

**ORDER**

The present Bail Petition is filed by the Petitioner under Section 438 of Cr.P.C. (corresponding Section 482 of BNSS) for an Order of Anticipatory Bail in the event of his arrest in C.C.No.166/2024 (Crime No.258/2023 of

Honnavar Police Station) on the file of Prl. Civil Judge & JMFC, Honnavar.

2. In the Bail Petition it is contended that, the Petitioner is permanent resident of his address shown in the cause title of the Petition and he is having good reputation and strong roots in the society and he has not committed alleged offences. Since the Respondent Police after completing investigation have already filed the charge sheet, the custodial interrogation of the Petitioner is not required. The applicant name does not figure either in the complaint or FIR. The accused No.1 has been already granted bail and hence even on the ground of parity the petitioner is entitled for bail. That the petitioner never involved in the alleged incident. The Petitioner by strongly apprehending his imminent arrest by the Respondent Police has filed this petition for anticipatory bail. The Petitioner is ready to abide by any conditions that may be imposed by this Court and ready to furnish surety to ensure his regular attendance before the trial

Court. Inter-alia, on these grounds the Petitioner pray for allowing of the Bail Petition.

3. Whereas the learned Public Prosecutor in her objection by reiterating the averments made in the charge sheet has contended that, the charge sheet has been already filed by the I.O against the Petitioner and another for the offences punishable under Sections 379 IPC. It is urged that the charge sheet material prima-facie shows that the Petitioner has committed the aforesaid offence. If the petitioner is granted anticipatory bail, he will not attend before the Court during trial. No sufficient grounds are made out by the Petitioner for granting bail. If the petitioner is released on bail he may commit similar kind of offence or he may threaten or influence the prosecution witnesses and possibility of the Petitioner absconding himself by violating the bail conditions cannot be ruled out. Inter-alia with these contentions the learned P.P. prays for rejecting of the bail petition.

4. Heard counsel for Petitioner 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 Petitioner has made out  
sufficient or reasonable grounds to  
enlarge him on anticipatory bail  
under Section 482 of BNS?

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 sum and substance of the  
Charge-sheet is that, on 22-12-2023 between 8-25 p.m.,  
and 10-00 p.m., accused No.1 & 2 have committed theft of  
red colour Yamaha company RAY ZR motorcycle bearing  
Reg.No.KA-47/Y-6243, Chassis No. ME1SEK  
758P00029885 and Engine No.T33SE0439677, having  
approximate value of Rs.75,000/-, which was parked in

front of Vittal Kamat Compound by the side of the road leading to BEO Office, Honnavar and thereby according to the prosecution, the accused persons have committed the offence punishable under Section 379 of IPC. The Petitioner is arraigned as Accused No.2 in the charge sheet.

8. The offence in respect of which Petitioner/ Accused No.2 seek anticipatory bail is not exclusively punishable with death or imprisonment for life. Since the Respondent Police have already filed the charge sheet, the custodial interrogation of the Petitioner is not required. The accused No.1 is granted bail vide order dated 05-02-2024 passed by the learned Prl. Civil Judge & JMFC, Honnavar and hence even on the ground of parity, the Petitioner is entitled for bail.

9. It is presumed that the accused is innocent until the guilt is proved beyond all reasonable doubt, in full fledged trial by the prosecution. Until then it is not

proper to put the accused in jail as a measurement of per-trial punishment.

10. It is settled position of law by the Catena of decision of Hon'ble Apex Court and various High Court 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.

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

12. The apprehension and interest of the prosecution that the Petitioner may tamper with the prosecution witnesses or he 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 Petitioner is entitled for Bail and accordingly, I answer the above Point No.1 in the **Affirmative.**

13. **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 Petitioner under Section 438 of Cr.P.C. (Section 482 of BNSS) is hereby **allowed.**

The Respondent is hereby directed to release the Petitioner on anticipatory bail in the event of his arrest in Crime No.258/2023 of Honnavar P.S., now pending on the file of Prl. Civil Judge & JMFC, Honnavar, in C.C. No. 166/2024 on execution of his personal bond for Rs.1,00,000/- with one surety for the like sum subject to the following conditions.

1. The Petitioner shall execute personal bond for Rs.1,00,000/- with one surety for the like sum before the concerned Court within 25 days from the date of this order.
2. The Petitioner shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
3. The Petitioner and his surety shall produce the authenticated documents of their address proof before the concerned Court.
4. The Petitioner shall regularly appear before the concerned Court except on unavoidable circumstances.

*(Dictated to the Stenographer directly on system, corrected and signed and 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,  
Karwar (U.K).