



**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 12th day of March, 2026

Crl.Misc.No.95/2026

Petitioner : Suresh Nagappa Naik,
Age: 43 years, Occ: Agriculture,
R/o: Kaikini, Bhatkal Tq, U.K.
(By Sri. G.T. Naik Adv)

Vs.

Respondent : The Murudeshwar Police,
Represented by Public Prosecutor,
U.K. Karwar.
(By Public Prosecutor,
Prl. District & Sessions Court, Karwar)

ORDER

The present Bail Petition is filed by the Petitioner under Section 483 of BNSS, 2023 to enlarge him on bail in Crime No.29/2026 of Respondent Police Station for the offences punishable under Sections 3, 4 & 5 of Immoral Traffic Prevention Act and Section 144(2) of BNS-2023.

2. In the Bail Petition it is contended that, the petitioner is innocent and he has not committed the alleged offences. The complainant has filed false complaint against the Petitioner. The Petitioner is having good reputation and strong roots in the society. The Petitioner is not owner of the said lodge and he is no way connected to the lodge said to have raided in this case. The Petitioner is only bread earner of his family. The offences alleged against the Petitioner though non-bailable in nature the same is not punishable with death or imprisonment for life. The Petitioner is permanent resident of his address shown in the cause title of the petition. The petitioner has been in judicial custody since the date of his arrest. Since the Petitioner has been already interrogated he is not required for further investigation or interrogation. The Petitioner is ready to abide by any conditions that may be imposed by this Court and he is ready to furnish surety to ensure his regular attendance before the concerned Court. Inter-alia, on these grounds the Petitioner prays 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 petitioner has committed the offences

punishable under Sections 3, 4 & 5 of Immoral Traffic Prevention Act and Section 144(2) 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 Petitioner has committed the alleged offences. The investigation is under progress. If the Petitioner is released on bail, there is possibility of he committing similar kind of offences or he may cause hindrance for further investigation or he may threaten the prosecution witnesses or he 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 both sides. Perused the 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 regular bail under Section 483 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 20-02-2026 in Crime No.29/2026 against the Accused/Petitioner for the offences punishable under Sections 3, 4 & 5 of Immoral Traffic Prevention Act and Section 144(2) of BNS-2023 based on the complaint lodged by Shri Jagadeesh Hanchinal, CPI of Respondent PS.

8. The sum and substance of the FIR is that, the accused trafficked two women from Shivamogga to Murdeshwar by offering them to give money and job and he accommodated them in the room No.3 of 'Bharat Guest House' lodge situated at Shettarakeri Road, Murdeshwar and on 19-02-2026 at about 10-50 p.m, when complainant PSI of Murdeshwar PS along with his staff and panchas conducted raid on said lodge, they found accused carrying on business of brothel in the said lodge by forcing said women to engage in prostitution and during raid two women were rescued and thereby according to the prosecution, the Accused has committed the offences punishable under Sections 3, 4 & 5 of

Immoral Traffic Prevention Act and Section 144(2) of BNS-2023.

9. The offences alleged against the Petitioner are not exclusively punishable with extreme penalty of death or imprisonment for life. The petitioner is in JC since from the date of his arrest. Since the respondent police have already interrogated the petitioner prior to remanding him to JC, he is no more required for further investigation or interrogation. No sufficient ground made out by the prosecution for further detaining petitioner in judicial custody.

10. It is presumed that the accused is innocent 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 in jail as a measurement of pre-trial punishment.

11. It is settled law by the catena of decisions that ***“the accused is to be presumed as innocent until guilt is proved by the prosecution beyond all reasonable doubts in full-fledged trial by discharging its burden of proof. Until then, it is not just and proper to put the accused in jail as a measurement of punishment in the pre-trial stage.*”**

12. *It is settled position of law by the catena of decisions of Hon'ble Supreme Court and various High Courts that **"bail is the rule jail is an exception and securing the presence of the accused for trial and protection of witnesses from tampering are the main considerations at the stage of granting bail."***

13. The petitioner claims to be permanent resident of addresses 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 the Court to ensure his regular attendance in the case and he is ready to abide by any of the conditions imposed by the Court. Hence the chance of abscondance of petitioner if released on bail is too remote.

14. Having heard rival submissions on both the sides, this Court finds no valid, good and compelling grounds to reject the bail at this stage to the petitioner. Considering the factual aspects of this case, this Court holds that it is just and proper to grant the bail as prayed to the petitioner.

15. However, the apprehension and interest of the prosecution that if the petitioner is enlarged on bail, he may

tamper with the prosecution witnesses or flee away from justice could be safeguarded and taken care by imposing some suitable conditions.

16. Taking into consideration of the facts and circumstances of the case and the materials available on record, I am of the opinion that the petitioner has made out a case to allow the petition to grant regular bail and accordingly, I answer point No.1 in the **Affirmative**.

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

ORDER

The petition under Section 483 of BNSS filed by the petitioner is hereby **allowed**.

The Petitioner shall be released on bail on execution of his personal bond for Rs.1,00,000/- with one surety for the like sum to the satisfaction of the concerned Court in Cr. No. 29/2026 of Respondent Police Station for the offences punishable under Sections 3, 4 & 5 of Immoral Traffic Prevention Act and Section 144(2) of BNS-2023.

1. Petitioner shall appear before concerned Court on all hearing dates without fail except on unavoidable circumstances.
2. Petitioner shall not threaten the prosecution witnesses and he shall not tamper the prosecution evidence and he shall not indulge himself in any offence of like nature.
3. The petitioner shall mark his 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 on computer, typed and print out taken by him, corrected, signed and then pronounced by me in the open court on this the 12th day of March, 2026)

(PARAMESHWARA PRASANNA.B.)

Prl. District & Sessions Judge
Karwar-U.K.