

KAUK010003862026



**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS
JUDGE, UTTARA KANNADA, KARWAR**

DATED THIS THE 13th DAY OF MARCH, 2026

CRIMINAL MISC. CASE NO:98/2026

: PRESENT :

Sri. MAYANNA. B.L.,

B.A., LL.B.,

II Addl. District & Sessions Judge,
Uttara Kannada, Karwar.

PETITIONER/:

Accused No.2

Noushad Khaja Dawood
Age: 48 years, Occ:Auto Driver,
R/o: Mustafa Colony, Herangadi,
Taluk: Honnavar.

(Smt. Divya D. Kadam, Advocate)

Vs.

RESPONDENT:
COMPLAINANT

The PSI
Through Honnavar PS
Rep. by Public Prosecutor,
Uttara Kannada

ORDER

The Petitioner/Accused No.2 has filed the present bail Petition under Section 482 of BNSS, seeking anticipatory bail, in the event of his arrest in Honnavar PS Crime No.174/2025, for the offences punishable under Sections 318(2), 318(4) of BNS.

2. The Petitioner contended that he is innocent and he has not committed any offences. He is having good respect and strong roots in the society, so far not involved in any offences. The allegation against the Petitioner is that the Complainant has transferred the amount to the account of the Petitioner on say of the Accused No.1. The Petitioner is not voluntarily involved in the alleged offence. Just because, the Complainant has transferred the amount to the account of the Petitioner, on the say of the Accused No.1, it does not mean that the Petitioner has committed the offences. This clearly shows that the Petitioner is not the beneficiary. Except stating that the Complainant has transferred some amount to the account of the Petitioner, there is no direct involvement of the Petitioner and he has not insisted for money and not offered any job to the complainant. Even though there is no specific allegations or overt act against the Petitioner. As per the FIR, the incident is occurred inbetween 01/12/2024 to 24/08/2025. As such, there is a delay in filing the complaint and the said delay is not satisfactorily explained by the prosecution. The entire case is rest upon the documentary evidence. There are no ingredients of above mentioned section in the entire complaint against the Petitioner. Upon bail application of the Accused No.1 being rejected in Criminal Mist No.332/2025, he approached the Hon'ble High Court of Karnataka in Criminal Petition No.104171/2025 and upon hearing, the Hon'ble High Court of Karnataka has granted bail to the Accused No.1 and hence, on the ground of parity, the Petitioner is also entitled for bail. The Police are

frequently visiting the house of the Petitioner, hence, he is having apprehension of arrest in the hands of the Police. The Petitioner undertakes that, he is ready and willing to appear before the Court. He will not hamper or tamper any witnesses, ready to abide by the terms and conditions and also ready to furnish surety for the satisfaction of the Court, hence prayed to grant of conditional bail.

3. The learned Public Prosecutor has filed objections contending that the Petition filed by the Petitioner/Accused No.2 is contrary to law and hence, same is liable to be dismissed. It is alleged in the complaint that, the Complainant and his friend Noushad Angilat Assinar K.P. got acquaintance with Accused No.1 in Kuwait. The Accused No.1 conspiring with Accused No.2 & 3 committed fraud on Complainant and on his friend Nousahad by giving them assurance to get them job in State of Kuwait Ministry of Defence Jaber Al-Ahmaad Forces Hospital and duped total amount of Rs.52,01,185/- from the Complainant and his friend and also from around 33 people and did not return their money. Hence, the Complainant lodged complaint against the Accused persons. The Accused No.2 is yet to be arrested and documents with regard to the said case to be obtained. At this stage, if the anticipatory bail is granted to Accused No.2, then there is a chance of abscondence, he may commit the similar offence, threaten the Complainant and witnesses and also they may tamper the evidence. On these

grounds, the learned Public Prosecutor sought for dismissal of the bail Petition.

4. Heard the arguments addressed by the Counsel for Petitioner/Accused No.2 and learned Public Prosecutor.

5. The Points that arise for the consideration of the Court are as under:

- 1) Whether the Petitioner/Accused No.2 has made out sufficient grounds to enlarge him on anticipatory bail, in the event of his arrest in Honnavar PS Crime No.174/2025 ?
- 2) What Order ?

6. The findings of the Court on the above points are as under:

- Point No.1: In the Affirmative
Point No.2: As per final order,
for the following:

REASONS

7. **Point No.1:-** Perused the bail Petition, objections filed by the Public Prosecutor and also perused the copy of the Complaint, FIR and other documents on record. The Honnavar Police have registered the case against the Accused persons in Crime No.174/2025 for the offences punishable under Sections 318(2), 318(4). It is alleged in the Complaint that when the Complainant and his friend Noushad Angilath K.P., were working in Oman, they got acquaintance with

Accused No.1, who was working in Kuwait, through Social Media. The Accused No.1 conspiring with Accused No.2 & 3, have given assurance to get the job in Ministry of Defence Jaber Al-Ahmad Forces Hospital in the state of Kuwait and also collected various documents from the Complainant and other people and asked them to deposit the money in the Bank Accounts, which are mentioned in the Complaint. Accordingly, believing their words, the Complainant, his friend Noushad Angilath and 33 people, have deposited the amount of Rs.52,01,185/- in the bank Accounts and thereafter, when there was no proper response from the Accused persons, they came to know that the Accused persons have duped total amount of Rs.52,01,185/- from the Complainant and his friend and also from around 33 people and thereby they have committed fraud on the Complainant and on his friend Noushad and 33 other people. Hence, the Complainant has filed the complaint against the Accused person for the above said offences.

8. According to the Complaint, the Complainant has deposited the amount of Rs.17,77,000/- to the account of the Accused No.2, Rs.10,67,000/- to the account of the Accused No.1 and Rs.23,57,185/- has been deposited to the account of Accused No.3. It is relevant to mention here that, the Accused No.1 has filed the CrI. Misc No.332/2025 before this court seeking anticipatory bail and upon hearing him, this Court has dismissed the petition. Thereafter, the Accused No.1 approached the Hon'ble High Court of Karnataka in

Criminal Petition No.104171/2025 seeking anticipatory bail and the Hon'ble High Court has granted anticipatory bail to Accused No.1. The learned Counsel for Petitioner argued that the nature of allegation against the Accused No.1 and 2 are one and the same and since the Hon'ble High Court has granted bail to Accused No.1, the Accused No.2 is also entitled for bail on the ground of parity. In support of the same, he has produced the copy of the order passed in Criminal Petition No.104171/2025.

9. It is further relevant to mention here that, the alleged incident took place on 01/12/2024 to 24/08/2025. It is mentioned in the IO report that, the Complainant and his wife have deposited Rs.6,43,000/- to the bank account of the Accused No.2. However, in the complaint the Complainant has made allegation that, he has deposited Rs.17,77,000/-. It is well settled principle of law that at the time of considering the bail, the Court cannot go into the merits of the case in deep. Whether the Petitioner/Accused No.2 has committed the offences as alleged in the Complaint or not, has to be thrashed out during Trial. At the time of considering the bail, the Court has to consider whether the Petitioner is required for investigation and their presence could be secured at the time of Trial.

10. The apprehension of the Prosecution that if the anticipatory bail is granted to Petitioner, then he may commit similar offences, threaten the Complainant and prosecution

witnesses and chance of abscondence, can be met out by imposing suitable conditions. The Petitioner has produced his Aadhar card wherein it is found that, the is the resident of Honnavar taluka and in order to bind him, the suitable conditions can be imposed. Therefore, the objection raised by the Public Prosecutor is not sustainable. Therefore, this Court is of the opinion that the bail Petition filed by the Petitioners under Section 482 of BNSS, deserves to be allowed by imposing conditions. Hence, this Court answers Point No.1 in the **Affirmative**.

11. **Point No.2:** In view of the findings on Point No.1, this Court proceeds to pass the following:

: ORDER :

The bail Petition filed by the Petitioner/Accused No.2, under Section 482 of BNSS, is hereby allowed and the anticipatory bail is granted on the following conditions;

- 1) In the event of arrest of the Petitioner/Accused No.2, in Honnavar P.S. Crime No.174/2025 the concerned Police are hereby directed to release the Petitioner on bail, on execution of bail bond for Rs.1,00,000/-, with two sureties for likesum.
- 2) The Petitioner/Accused No.2 shall appear before the investigating officer, whenever he is called

for investigation and he shall co-operate with the investigation.

- 3) The Petitioner/Accused No.2 shall appear before the Trial Court within 15 days from the date of receipt of the order and shall move an application seeking regular bail.
- 4) The Petitioner/Accused No.2 shall not tamper with the prosecution evidence as well as witnesses.
- 5) The Petitioner/Accused No.2 shall not repeat the similar offences.

In case of any of these conditions are violated, the Prosecution is at liberty to seek for cancellation of bail.

(Dictated to the Stenographer directly on computer, revised and corrected by me, signed and then pronounced in the Open Court on this the 13th day of March, 2026).

(MAYANNA. B.L.)
II Addl. District & Sessions Judge,
Uttara Kannada, Karwar.