



**IN THE COURT OF THE PRINCIPAL 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 18th day of March, 2026

Crl. Misc. No.104/2026

Petitioner : Masti Gonda @ Masti
S/o Narayan Gonda,
Age 55 years, Occ: Service,
Social Welfare Office,
Honnavar, U.K District.
R/o #8, Mahasati Nilaya,
Bunder Road, 2nd Cross,
Kokti Nagar, Bhatkal,
Uttar Kannada District,
Karnataka – 581 320.

(By Sri. Venkatesh M. Kuvalekar Adv.)

// Vs. //

Respondent: : The Sub-Inspector/
Circle Police Inspector,
Honnavar Police Station,
Honnavar, Uttara Kannada District,
Represented by the Public Prosecutor,
Karwar, Uttara Kannada.

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

ORDER

The present Bail Petition is filed by the Petitioner under
Section 482 of BNSS/Section 438 of Cr.P.C., for an Order of

Anticipatory Bail in the event of his arrest in Crime No.52/2026 of the respondent police station for the offences punishable under Section 316(2), 316(4), 318(2), 316(5), 318(4), 336(2), 336(4) & 336(3) 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 Petitioner is having good reputation and strong roots in the society. It is further contended that the Petitioner is peon in Social Welfare Office and it is the duty to obey the commands of his higher officials. He has not committed any offence as alleged in the FIR. There is inordinate delay in lodging the complaint and the same has not been properly explained, which goes to the root of the matter. It is contended that he is only bread earner of his family and his entire family depending upon his income. The Petitioner is the permanent resident of above address mentioned in cause title of the petition. The Petitioner is ready to abide by any conditions that may be imposed by the Court and ready to give proper surety. He will not hamper the trial or tamper the prosecution witnesses. The Respondent Police is making hectic attempt to arrest the Petitioner and hence the Petitioner by apprehending

his imminent arrest by the Respondent Police in Crime No.52/2026, has filed this petition for anticipatory bail. Inter-alia, on these grounds, the Petitioner prays for allowing of the Bail Petition.

3. Whereas the learned Public Prosecutor in her objection, filed along with counter of IO, by reiterating the averments made in the FIR has contended that, the petitioner has committed the offence punishable under Section 316(2), 316(4), 318(2), 316(5), 318(4), 336(2), 336(4) & 336(3) of BNS-2023. The offences alleged against Petitioner are very grave and serious. 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. The custodial investigation of petitioner is required for fair investigation. If the Petitioner is released on bail, he may cause hindrance to the 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 anticipatory bail under Section 482 of Cr.P.C.?
 2. What Order?
6. My findings on the above Points are as follows:

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

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 26-02-2026 in Crime No.52/2026 against the Accused No.1 to 13 for the offence punishable under Sections 316(2), 316(4), 318(2), 316(5), 318(4), 336(2), 336(4) & 336(3) of BNS, 2023 based on the complaint lodged by Smt. Savita Radhakrishna Devadiga, RFO Honnavar.

8. The case of the prosecution in brief as culled out from the FIR is that Accused No.2 to 9 in order to grab the forest land in Jalavalli beat in Honnavar Range, took fake GPS of said forest land through Accused No.1 and sent it to

Accused No.11 and Accused No.11 created fake GPS and sketch and he got created fake seal of Deputy Range Officer from Accused No.10 and put the said seal on the said fake GPS and sketch and kept the said documents in FRC file in Social Welfare Office through Accused No.12 and 13 and thereby Accused No.2 to 9 with the help of other Accused tried to illegally acquire forest land at Jalavalli beat in Honnavar Taluk by creating fake documents. Hence, according to the complainant he has been constrained to file the complaint. The Petitioner is arraigned as Accused No.13 in the FIR.

9. The offences alleged against the Petitioner are non bailable in nature and among the offences alleged against the Petitioner offence alleged under Section 316(5) of BNS is punishable with imprisonment for life or with imprisonment which may extend up to 10 years.

10. After perusing complaint, FIR and other materials, I am of the view that, at this stage there is a reasonable ground for believing that, the Petitioner has committed the alleged crime. The grave and serious allegation of keeping the fake documents in FRC file to help Accused No.2 to 9 to grab

forest land is alleged against the Petitioner. Hence I am of the view that custodial interrogation of Petitioner is required for fair investigation.

11. It is settled proposition of law that, **“while considering the bail petition the Court has to keep in mind the nature of accusations, nature of evidence in support thereof, severity of the punishment which conviction will entail, the character, behavior, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of witness being tampered with, the larger interest of the public or state and similar other considerations”**.

12. In the case of **H.C.Faiz Rehmaan and another V/s State of Orissa reported in 2019(1) Crimes 772 Orissa** it was held that:

"439-Bail-Nature and Gravity of accusation and prima facie material showed involvement of petitioner in commission of offence-Bail not to be granted”.

13. No sufficient ground made out for granting extra ordinary relief of anticipatory bail to the Petitioner. The gravity of offence does not weigh personal liberty of the Petitioner. If the Petitioner is released on bail he may cause obstruction to further investigation or he may threaten the prosecution witnesses or he may commit similar kind of offences and possibility of Petitioner fleeing away from justice by violating bail conditions can not be ruled out. Hence, I am of the view that the Petitioner is not entitled for anticipatory bail. Accordingly, I answer Point No.1 in the **Negative**.

14. **Point No.2:-** In the result for the reasons stated above, I am constrained to pass the following;

ORDER

The Bail Petition filed by the Petitioner/Accused No.13 under Section 482 of BNSS-2023, is hereby **rejected**.

(Dictated to the Stenographer directly on system, corrected, signed and then pronounced by me in the open Court on this the 18th day of March, 2026)

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