



**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 24th day of March, 2026

Crl. Misc. No.110/2026

Petitioner : Darshan Dileep Moger,
Age: 30 years, Occu: Business,
R/o: Gandinagar, Heble, Bhatkal
(By Smt. A.M.Rane., Adv.)

// Vs. //

Respondent : The PSI,
Bhatkal Rural Police Station,
Bhatkal, U.K.
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.59/2026 of Respondent Police Station for the offences punishable under Sections 329(4), 312, 352, 115(2), 118(1), 126(2), 324(4) read with Section 3(5) 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. The Petitioner is having good reputation and strong roots in the society. 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 the only earning member in the family. The Petitioner is having old aged parents and there is no one to take care of them. 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 329(4), 312, 352, 115(2), 118(1), 126(2), 324(4) read with Section 3(5) of BNS-2023. The I.O. has conducted Panchanama and recorded the statements of

witnesses. The evidence collected by the Investigating Officer and the statements of witnesses recorded by him prima-facie shows that the Petitioner has committed the alleged offences. The investigation is under progress. The petitioner has threatened the complainant and tried to rob the amount and he has criminal background and another criminal case has been registered against him in crime No.60/2026. If at this stage, the Petitioner is granted with bail, there is possibility of he committing similar kind of offences or he may threaten the prosecution witnesses and chance of he absconding himself by violating the bail conditions cannot be ruled out. Inter-alia with these contentions the learned Public Prosecutor prays for rejecting 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 04/03/2026 in Crime No.59/2026 against the Accused No.1 to 3 for the offences punishable under Sections 329(4), 312, 352, 115(2), 118(1), 126(2), 324(4) read with Section 3(5) of BNS-2023 based on the complaint lodged by Sri. Rajesh Goydayya Naik.

8. The sum and substance of the FIR is that, on 04/03/2026 at about 08-45 p.m, the complainant while serving breakfast and tea to the customers in his hotel at Gandhinagar, Heble Village, Bhatkal Taluk, the accused No.1 to 3 by holding bottles tress-passed into the complainant's hotel and they threatened the complainant to close the hotel immediately and when the complainant told them that he will close the hotel after the customers leave the hotel, the accused abused complainant by saying "ಬೋಲಿಮಕ್ಕಳಾ ಹೋಟೆಲ್ ಬಂದ ಮಾಡಿ ಎಂದು ಹೇಳಿದರೆ ಕೇಳುತ್ತಿಲ್ಲಾ". Then accused by placing their hands in the cash box, attempted to take the

money from it and they by abusing complainant's customer with filthy words "ಬೋಲಿಮಕ್ಕಳಾ ಬೇಗ ಹೊರಗಡೆ ಹೋಗಿ", directed them to leave the place. Thereafter they broken the tea glass and bottles in the table, scattered the chairs and tables and when customer namely Durgappa Narayan was leaving the hotel, the accused No.1 to 3 restrained him and beaten him with their hands and chair, pushed and felled him to the ground and kicked him with their legs and caused injuries to him and thereafter they threatened the complainant with dire consequences and thereby according to the prosecution, Accused No.1 to 3 have committed the offences punishable under Sections 329(4), 312, 352, 115(2), 118(1), 126(2), 324(4) & 351(2) read with Section 3(5) of BNS, 2023. The Petitioner is arraigned as Accused No.1 in the FIR.

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 prosecution for further

detaining petitioner in judicial custody. The A-2 and A-3 are granted bail by this court as per orders passed by this court in Cri.Misc.No.112/26 and Cri.Misc.No.111/26 and hence even on the ground of parity petitioner is entitled for bail.

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 form 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 wiling 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. 59/2026 of Respondent Police Station for the offences punishable under Sections 329(4), 312, 352, 115(2), 118(1), 126(2), 324(4) read with Section 3(5) of BNS-2023, subject to following conditions;

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 co-operate with the I.O during investigation.
4. The Petitioner shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
5. 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 directly on system, corrected, signed and then pronounced by me in the open Court on this the 24th day of March, 2026)

(PARAMESHWARA PRASANNA B.)

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