



**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.111/2026

Petitioner : Sri. Hemanth Shridhar Naik,
Age: 32 years, Occ: Coolie,
R/o: #302, Shnkru Mane, 1st Cross,
Gandhinagar, Heble, Bhatkal,
Uttara Kannada District.

(By Sri. Maruti B. Naik Adv.)

// Vs. //

Respondent : The PSI/IO,
The Bhatkal Rural Police Station,
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 482 of BNSS for an Order of Anticipatory Bail in the event of his arrest in Crime No.59/2026 of the Respondent Police Station for 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.

2. In the Bail Petition it is contended that, the Petitioner is innocent and he has not committed any offences. 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 is daily wage labour and he is the sole bread earner of his family. The offences alleged against petitioner are not exclusively punishable with death or imprisonment for life and the same are triable by the learned Magistrate and therefore custodial interrogation of the Petitioner is not necessary. The Petitioner undertakes that he will not tamper the prosecution witnesses and he is always ready to co-operate with the investigation. The Petitioner is ready to abide by any conditions that may be imposed by the Court and he is ready to give proper surety to ensure his regular attendance before the concerned Court. The Petitioner by strongly apprehending his imminent arrest by the Respondent Police in Crime No.59/2026 has filed this Misc. petition for anticipatory bail. 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 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) & 351(2) read with Section 3(5) 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, he may cause hindrance for 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 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 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 Accused No.1 to 3 for 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 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 "ಬೋಳಿಮಕ್ಕಳಾ 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.3 in the FIR.

9. The offences in respect of which Petitioner seeking Anticipatory Bail is not exclusively punishable with extreme penalty of death or imprisonment for life.

10. Since the Petitioner has undertaken to co-operate with the I.O, during investigation even if the Petitioner is granted with anticipatory bail, the I.O., can still hold investigation.

11. 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.

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

13. 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 Court. As such, possibility of the abscondance of Petitioner is too remote.

14. 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.**

15. **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 482 of BNSS is hereby **allowed.**

The Respondent-Police is hereby directed to release the Petitioner on anticipatory bail in the event of his arrest in crime No.59/2026 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 and after executing of personal bond and surety bond, the Petitioner

shall regularly appear before the concerned Court on all hearing dates except, on unavoidable circumstances.

2. The Petitioner shall co-operate with the I.O during investigation.
3. The Petitioner shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
4. The Petitioner and his sureties shall produce the authenticated documents of their address proof before concerned Court.
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