



**IN THE COURT OF THE PRL. 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 6th day of June, 2026

Crl.Misc.No.225/2026

Petitioners:

- 1) Sri. Praveen Kumar N.R.
Age: 38 years, Occ: Coolie,
R/o: H.No.184, 15th Cross,
Near Soumya Bakery, Shivpur,
Nelagadara Halli, Bangalore.
- 2) Sri. Mukund G,
S/o Ganeshappa,
Age: 32 years, Occ: Coolie,
R/o: No.805, 9th Cross,
Near Muneshwara Temple,
Kanteerava Nagar,
Bangalore North, Bangalore.

(By Shri V.G. Argekar Adv)

Vs.

Respondent

: The PSI,
Chittakula Police Station,
Karwar, 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 Petitioners under Section 483 of BNSS, 2023 to enlarge them on bail in Crime No.27/2026 of Respondent Police Station for the offences punishable under Sections 189(2), 191(2), 126(2), 352, 351(2), 109(1) read with Section 190 of BNS.

2. In the Bail Petition it is contended that, the petitioners are innocents and they are law abiding citizens and they are having good reputation and strong roots in the society. The Petitioners No.1 & 2 are in judicial custody since from the date of their arrest. Since the Petitioners have been already interrogated, they are not required for further investigation or interrogation. The petitioners are the sole earning members of their respective families and their family members are entirely depending upon the income of the Petitioners. If the petitioners are continued to be detained in judicial custody, their family members would be put to great hardship. No sufficient ground made out by the prosecution for further detaining the petitioners in judicial custody. The petitioners are permanent resident of their address shown in the cause title of the petition. The Petitioners are ready to abide by any conditions

that may be imposed by this Court and they are ready to furnish surety to ensure their regular attendance before the concerned Court. Inter-alia, on these grounds the Petitioners 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 petitioners have committed the offences punishable under Sections 189(2), 191(2), 126(2), 352, 351(2), 109(1) read with Section 190 of BNS. The I.O. during the investigation in the presence of the panchas drawn the spot mahazar and he has recorded the statement of the witnesses and the investigation so far made by the IO, prima-facie shows that the petitioners i.e., accused No. 3 & 5 along with other accused attempted to commit murder of the complainant. The investigation is under progress. The offence under Section 109(1) of BNS alleged against petitioners is very grave serious and heinous and the same is punishable with extreme penalty of death or imprisonment for life. If the petitioners are granted bail, they may cause hindrance to the further investigation or they may threaten the prosecution witnesses and the chances of

petitioners fleeing away from justice by violating the bail conditions cannot be ruled out. Inter-alia, with these contentions, the Learned Public Prosecutor prays for rejecting of the Bail Petition.

4. Heard arguments of learned counsel for the petitioners and learned PP.

5. On the basis of material on record, the following Points arise for my determination:-

1. Whether the Petitioners have made out sufficient or reasonable grounds to enlarge them 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:-** Initially case was registered before the Respondent Police Station on 04-05-2026 in Crime No.27/2026 against the Accused No.1 and others unknown accused for the offences punishable under Sections 189(2),

191(2), 126(2), 352, 351(2) read with Section 190 of BNS, based on the complaint lodged by first informant Mr. Darshan Rajesh Majalika.

8. The sum and substance of the FIR is that, the complainant is a fisherman and after finishing his work on 03-05-2026 night at about 09-45 p.m, when he in his motorcycle while returning to his house reached near Patan Chicken Shop on the road at Seabird Colony, Chittakula, Sadashivgad, Karwar, one Bolero vehicle came from back side of his motorcycle tried to hit the same to the motorcycle of complainant and when the complainant escaped from the said vehicle, three persons came in two motorcycle, out of them, the accused No.1 wrongfully restrained the motorcycle of the complainant and three unknown persons de-boarded from the Bolero vehicle tried to snatch the motorcycle key of the complainant and the accused No.1 and five others with wooden club and lethal weapons tried to assault the complainant and abused the complainant in filthy words and given life threat to the complainant. At that time, the complainant by jumping nearby the compound escaped from the clutches of the accused No.1 and others and at that time

when nearby public gathered at the spot, the accused No.1 and others by leaving Bolero vehicle at the spot and escaped from the spot. During investigation, the accused No.1 & 2 were arrested and according to prosecution since during investigation it was revealed that the accused No.1 to 7 with intention to kill the complainant tried to assault him, the IO got added Section 109(1) of BNS. The petitioners are arraigned as Accused No.3 & 5 in the remand application.

9. The offences alleged against the Petitioners are not exclusively punishable with extreme penalty of death. The averment made in the complaint shows that the complainant has not sustained any injury in the alleged incident and at this stage there is no reasonable ground to believe that the petitioners have committed the offence punishable under Section 109(1) of BNS. The petitioners are in JC since 13-05-2026. Since the respondent police have already interrogated the Petitioners prior to remanding them to JC, they are no more required for further investigation or interrogation. No sufficient ground made out by prosecution for further detaining petitioners in judicial custody.

10. The Accused No.1 and 2 were granted bail by this Court as per the order passed in Crl.Misc No.194/2026 and Accused No.6 and 7 were granted bail by this court as per order passed in Crl.Misc.229/2026 and hence even on the ground of parity petitioners are entitled for bail.

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 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.*”**

13. 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.”

14. The petitioners claims to be permanent resident of addresses shown in the cause title of the bail petition. It is urged that the petitioners are ready and wiling to furnish surety to the satisfaction of the Court to ensure their regular attendance in the case and they are ready to abide by any of the conditions imposed by the Court. Hence the chance of abscondance of petitioners if released on bail is too remote.

15. 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 petitioners. Considering the factual aspects of this case, this Court holds that it is just and proper to grant the bail as prayed to the petitioners.

16. However, the apprehension and interest of the prosecution that if the petitioners are enlarged on bail, they may tamper with the prosecution witnesses or flee away from justice could be safeguarded and taken care by imposing some suitable conditions.

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

18. **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 petitioners is hereby ***allowed***.

The Petitioners shall be released on bail on execution of their personal bond for Rs.1,00,000/- each with one surety for the like sum to the satisfaction of the concerned Court in Cr. No.27/2026 of Respondent Police Station for the offences punishable under Sections 189(2), 191(2), 126(2), 352, 351(2) & 109(1) read with Section 190 of BNS., subject to the following conditions;

1. Petitioners shall appear before concerned Court on all hearing dates without fail except on unavoidable circumstances.
2. Petitioners shall not threaten the prosecution witnesses and they shall not tamper the prosecution evidence and they

shall not indulge themselves in any offence of like nature.

3. The Petitioners shall co-operate with the I.O during investigation.
4. The Petitioners shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
5. The petitioners shall mark their 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 6th day of June, 2026)

(PARAMESHWARA PRASANNA.B.)

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