



**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 5th day of June, 2026

Crl.Misc.No.200/2026

Petitioner : Smt. Pooja Mahendra Kadekar
@ Harikantra,
Aged 24 years, Occ: Housewife,
R/o: Baval, Majali, Karwar
Now at Sonarwada, Todur, Karwar
(By Smt. Ashwini M. Gouda Adv)

Vs.

Respondent : The PSI,
Karwar 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 483 of BNSS, 2023 to enlarge her on bail in Crime No.30/2026 of Respondent Police Station for the offence punishable under Section 108 of BNS-2023.

2. In the Bail Petition it is contended that, the petitioner is innocent and the false case has been registered against her in Cr.No.30/2026 of Respondent Police Station. The petitioner is the sole bread earner of her family. The Petitioner is permanent resident of her address shown in the cause title of the petition. As such, she will not flee away from the justice. The offence alleged against the petitioner is not exclusively punishable with death or imprisonment for life. It is urged that the deceased told her that his wife was died and he was not having any children and promised the petitioner to marry her. The petitioner believed the words of the deceased, she has physical contact with the deceased. During that time the deceased clicked personal photographs, videos of the petitioner. After sometime, the petitioner knew that the deceased has not given divorce to his wife i.e., complainant. The petitioner refused to marry the deceased because the deceased's marriage was in existence. After refusal of the marriage, the deceased was blackmailing the petitioner and posted the personal photos and videos in Facebook and WhatsApp. It is further urged that even if the allegations in the complaint are admitted, it will not constitute any offence. Mere

saying someone to go and die does not attract the offence punishable under Section 108 of BNS. Since the Petitioner has been already interrogated, she is not required for further investigation or interrogation. No sufficient ground made out by the prosecution for further detaining the petitioner in judicial custody. The Petitioner is ready to abide by any conditions that may be imposed by this Court and she is ready to furnish surety to ensure her 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, on the basis of the complaint lodged by the complainant, case registered against the accused in Cr.No.30/2026 of the offence punishable under Section 108 of BNS. That during investigation the IO drawn spot mahazar, recorded the statement of owner of the house of deceased and IO also seized marriage registration certificate and ration card in the rented house of the deceased. The IO has drawn inquest mahazar and seized the mobile phones of the deceased and the complainant, which shows that the deceased had sent

21 second audio message to the complainant's mobile phone by blaming the accused for his death. It is further urged that soon before committing suicide, accused had quarreled with deceased. It is further urged that the offence alleged against the petitioner is very grave, serious and heinous, which has been resulted in the death of the deceased. The investigation is under progress. If at this stage, the petitioner is granted with bail she may threaten the prosecution witnesses or she may cause obstruction to further investigation and chance of her abscondance 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 arguments of learned counsel for the petitioner and learned PP.

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 her 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 11/05/2026 in Crime No.30/2026 against the Accused for the offence punishable under Section 108 of BNS, on the basis of the first information lodged by first informant Smt. Mangala Pradeep Poojari.

8. The sum and substance of the FIR is that deceased Pradeep Poojary is the husband of the complainant. Eight months back deceased married accused, who is divorced women and since then deceased along with accused residing in a rented house at Sonarawada, Todur, Karwar. On 02/05/2026 the accused went to her husband's house at Kundapur and quarreled with the deceased. On 03-05-2026 at about 11-54 p.m, the deceased sent an audio message from his WhatsApp No.9900479495 to the complainant's WhatsApp No.8996442855 in which the accused told complainant that he will hand himself in front of accused's house and accused liable for his death and he further in said audio message asked

complainant to inform about the same to the police. Thereafter the deceased sent three more audio messages to her. Then on 04-05-2026 at about 07-57 a.m, and 07-58 a.m, he sent two more audio messages to the complainant. On 05-05-2026 afternoon 12-30 p.m, when she was in Murdeshwar, the owner who let out the house at Sonarwada, Todur, Karwar to the deceased by making phone call informed that the deceased at his rented house in Todur, Sonarwada, committed suicide by hanging and on filing of the complaint by the complainant that the accused abated deceased to commit suicide case came to be registered before the Respondent PS against the accused in Crime No.30/2026.

9. The offences alleged against petitioner are not exclusively punishable with death or imprisonment for life. The material on record shows that the accused is in judicial custody since from her arrest. Since the petitioner has been already interrogated prior to remanding of judicial custody, she is no more required for further investigation or interrogation. No sufficient ground made out by the prosecution for further detaining petitioner in judicial custody.

10. 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.*”**

11. ***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.”***

12. The petitioner claims to be permanent resident of address 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 her regular attendance in the case and she 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.

13. 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.

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

15. 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**.

16. **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 her personal bond for Rs.1,00,000/- with one surety for the like sum to the satisfaction of the concerned Court in Cr.No.30/2026 of Respondent Police Station for the offence punishable under Section 108 of BNS, subject to the 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 she shall not tamper the prosecution evidence and she shall not indulge her in any offences of like nature.
3. The Petitioner shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
4. The petitioner shall mark her 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 on computer, typed and print out taken by him, corrected, signed and then pronounced by me in the open court on this the 5th day of June, 2026)

(PARAMESHWARA PRASANNA.B.)

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