



**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 15th day of June, 2026

Crl. Misc. No.203/2026

Petitioners:

- 1) Sri. Bhaskar Laxman Bhandari
@ Deshbhandari,
Aged about 56 years,
Occ: Cook,
R/o: Hologadde, Kumta, U.K.
Now R/at Parvarim, Panaji,
North Goa, Goa.
- 2) Sri. Suresh Laxman Bhandari
@ Deshbhandari,
Aged about 63 years,
Occ: Coolie,
R/o: Hologadde, Kumta, U.K.

(By Sri. V.G. Nayak Adv.)

// Vs. //

Respondent

: The Police Sub-Inspector,
Kumta 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 Petitioners under Section 482 of BNSS for an Order of Anticipatory Bail in the event of their arrest in Crime No.85/2026 of the Respondent Police Station for the offence punishable under Section 74 read with Section 3(5) of BNS, 2023.

2. In the Bail Petition it is contended that, the Petitioners are innocents and they have not committed the alleged offences. The petitioners hail from respectable family and they have got deep roots in the society. Prior to filing the present FIR, the 1st petitioner has filed complaint in Crime No.83/2026 against the complainant and as a counter blast to said case complainant filed false complaint in Crime No.85/2026. That on 21-06-2025 another complaint has been registered against the complainant under Crime No.1019/2025 regarding assaulting of the wife of 2nd petitioner. The complainant and her family members are involved in several criminal cases. One civil case OS.No.77/2023 has been pending before the Prl. Civil Judge, Kumta between the 2nd Petitioner and complainant and her family members. The complainant has lodged false complaint against the Petitioners. Civil dispute

has been unnecessarily given a criminal colour by the complainant with malafide intention. The petitioners are sole bread earners of their respective family. The petitioners are permanent residents of their addresses shown in the cause title of the petition, as such they are not flee away from the justice in case of granting bail. The petitioners by strongly apprehending their imminent arrest in Crime No.85/2026 of respondent police station have filed this Petition for anticipatory bail. The petitioners are ready to abide by any conditions that may be imposed by the Court and they are ready to give proper surety to ensure their regular attendance before the concerned Court and they are ready to co-operate with the I.O. for investigation. Inter-alia, on these grounds the Petitioners pray for allowing of the Bail Petition.

3. Whereas, the learned Public Prosecutor in her objection along with counter of IO by reiterating the averments made in the FIR has contended that, the Petitioners have committed the offence punishable under Section 74 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 Petitioners have committed

the alleged offences. A criminal case has been registered against the 2nd accused before Kumta PS under Crime No.110/2025 for the offence punishable under Sections 126(2), 115(2), 74, 351(2) read with Section 3(5) of BNS. The investigation is under progress. The custodial investigation of petitioner is required for fair investigation. No sufficient grounds made out for granting anticipatory bail to the petitioners. If the petitioners are released on bail, they may further commit the similar kind of offences 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 counsel for the Petitioners 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 Petitioners have made out sufficient or reasonable grounds to enlarge them 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 28-04-2026 in Crime No.85/2026 against the Accused No.1 & 2 for the offence punishable under Section 74 read with Section 3(5) of BNS, 2023, based on the first information lodged by first informant Smt. Jayanti Kamalakar Deshbhandari.

8. The sum and substance of the FIR is that on 27-04-2026 at about 02-30 p.m, in the courtyard of house of complainant situated at Hologadde, Kumta Taluk, the Accused No.1 put the hands on the chest of the complainant and outraged her modesty and the Accused No.2 pulled the hands of complainant's mother Smt. Savita Pandurang Deshbhandari and outraged her modesty and thereby according to the prosecution Accused No.1 & 2 have committed the offence punishable under Section 74 read with Section 3(5) of BNS,

2023. The Petitioners are arraigned as Accused No.1 & 2 in the FIR.

9. The materials on record shows that in respect of very same incident case and counter cases registered before the Respondent Police Station in Cr.No.83/2026 and Cr.No.85/2026 and hence actual truth regarding incident is to be ascertained after full fledged trial.

10. The offence in respect of which Petitioners seeking Anticipatory Bail is not exclusively punishable with extreme penalty of death or imprisonment for life. Since the Petitioners have undertaken to co-operate with the I.O, during investigation, even if the Petitioners are granted with anticipatory bail, the I.O., can still hold investigation.

11. It is presumed that the Accused are 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 Petitioners claim to be the permanent residents of their address shown in the cause title of the Bail Petition. It is urged that the Petitioners are ready and willing to furnish surety to the satisfaction of this Court to ensure their attendance before the I.O and the Court and they are also ready to abide by any conditions imposed by Court. As such, possibility of the abscondance of Petitioners are too remote.

14. The apprehension and interest of the prosecution that the Petitioners may tamper with the prosecution witnesses or they 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 Petitioners are 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 Petitioners under Section 482 of BNSS is hereby ***allowed***.

The Respondent-Police is hereby directed to release the Petitioners on anticipatory bail in the event of their arrest in crime No.85/2026 on execution of their personal bond for Rs.1,00,000/- each with one surety for the like sum subject to the following conditions.

1. The Petitioners shall execute personal bond for Rs.1,00,000/- each 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 Petitioners shall regularly appear before the concerned Court on all hearing dates except, on unavoidable circumstances.
2. The Petitioners shall co-operate with the I.O during investigation.
3. The Petitioners shall not tamper with the prosecution evidence or influence the prosecution witnesses directly or indirectly in any manner.
4. The Petitioners and their sureties shall produce the authenticated documents of their address proof before concerned Court.

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, transcribed by him, transcript revised by me, corrected, signed and then pronounced by me in the open Court on this the 15th day of June,2026)

(PARAMESHWARA PRASANNA B.)

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