



**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 July, 2026

Crl. Misc. No.277/2026

Petitioner : Mohammed Maroof,
S/o. Ayub Sayyed,
@ C/o. Syed Abdul Khadar,
R/o. Qidwai Road, Usman Nagar,
Bhatkal, U.K. District.
(By Sri. Krishna N. Naik, Adv.)

Vs.

Respondent : The Police Sub-Inspector,
Bhatkal Rural Police Station,
Represented by the Public Prosecutor,
Karwar, Uttar Kannada.

(By Public Prosecutor,
Prl. District & Sessions Court, Karwar)

O R D E R

The present Bail Petition is filed by the Petitioner under Section 483 of BNSS, 2023 to enlarge him on bail in Crime No.20/2025 of Respondent Police Station for the offences punishable under Sections 118(1), 109(1), 352, 351(2) read

with Section 3(5) of BNS-2023, now pending before the Addl. Civil Judge and JMFC Bhatkal in CC.No.168/2026.

2. In the Bail Petition it is contended that, the Petitioner is innocent and he has not committed the alleged offences. The Petitioner is law abiding citizen and he is the permanent resident of his address shown in the cause title of the Petition. As such he will not abscond or flee away from justice in case of granting of bail. The Petitioner is in judicial custody since from the date of his arrest. The Petitioner is sole bread earner of his family. The offences alleged against the Petitioner are not punishable with extreme penalty of death. Since the Respondent Police have already filed charge sheet, the Petitioner is no more required for further investigation or interrogation. 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 charge-

sheet has contended that, the Petitioner has committed the offences punishable under Sections 118(1), 109(1), 352, 351(2) read with Section 3(5) of BNS-2023. The statements of the witnesses recorded by the IO and other charge sheet materials prima-facie shows that the Petitioner has committed the alleged offences. The Petitioner is having criminal bad antecedents and several criminal cases were registered against him. No sufficient grounds are made out for granting bail to the Petitioner. If the Petitioner is granted bail, he may threaten the prosecution witnesses or he may abscond by violating the bail conditions. Inter-alia with these contentions the learned P.P. prays for rejecting of 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 grounds to enlarge him on 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:

R E A S O N S

7. **Point No.1:-** The case was registered before the Respondent Police Station on 25-05-2025 in Cr.No.20/2025 against the Accused No.1 & 2 for the offences punishable under Sections 118(1), 109(1), 352, 351(2) read with Section 3(5) of BNS, 2023 based on the first information lodged by first informant Smt. Bibi Faima Niyamat Shaikh.

8. The sum and substance of the FIR is that, accused No.1 & 2 used to threaten the complainant's younger brother Syed Moosa by saying that he has given the information against them to the police and hence they will finish off him. That on 24-02-2025 night, accused No.1 and 2 with intention to cause death of Syed Moosa were waiting for his arrival by holding iron rod in front of Alzazira Hotel, Bhatkal Taluk and at about 11-50 p.m. when Syed Moosa was proceeding as a pillion rider in the motorcycle ridden by one Abdul Raheem, accused No.1 and 2 got stopped the said motorcycle and accused No.1 and 2 abused Syed Moosa with

filthy words “ಹರಾಮಿ ಸೂವರ್” and accused No.1 & 2 by saying that they will cause his death with iron rod hit on the head and face of Syed Moosa and on knowing about the incident, when the first informant's husband Niyamath and her another brother Yunus came for the rescue of Syed Moosa, accused No.1 and 2, threatened to beat them similarly. Hence according to the complainant she was constrained to file the complaint. After completion of investigation the IO filed the charge sheet against the accused No.1 & 2 for the offences punishable under Sections 118(1), 109(1), 352, 351(2) read with Section 3(5) of BNS. The Petitioner is arraigned as Accused No.1 in the charge-sheet.

9. The offences alleged against the petitioner are not exclusively punishable with extreme penalty of death. The material on record shows that, the victim was discharged from the hospital on 06-03-2025.

10. Since the Petitioner has been already interrogated and remanded to JC, and as the I.O. after completion of investigation already filed the charge sheet, the petitioner is no more required for further investigation or interrogation. At

this stage no sufficient ground made out by the prosecution for further detaining the petitioner in JC.

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 from tampering are the main considerations at the stage of granting bail.”***

13. The petitioner claims to be permanent residents of 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 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 finding 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.2,00,000/- with one surety for like sum in Crime No.20/2025 of Respondent Police Station, now pending before the Addl. Civil Judge and JMFC, Bhatkal in CC.No.168/2026 for the offences punishable under Sections 118(1), 109(1), 352, 351(2) read with Section 3(5) of BNS-2023 on the following conditions:

1. Petitioner shall appear before the concerned Court on all hearing dates without fail except on unavoidable circumstances.
2. Petitioner shall not threaten the prosecution witnesses and he should not tamper the prosecution evidence and he shall not indulge himself in any offence of like nature.
3. The petitioner and his surety shall produce the authenticated documents of their address proof before the concerned Court.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open court on this the 6th day of July, 2026)