



**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 9th day of July, 2026

Crl. Misc. No.278/2026

Petitioners

- 1) Aqib Tahira,
S/o. Tahira Shahul Hameed,
Age: 30 years, Occ: Coolie,
R/o: 12/1a, Madeena Colony,
Jali, Bhatkal.
- 2) Abdul Azeem Mallilka,
Age: 35 years, Occ: Coolie,
R/o: 174/1, Bendekan,
Badriya Colony, Jali,
Tagargod, Bhatkal.

(By Sri. Krishna N. Naik, Adv.)

// Vs. //

Respondent

: The PSI,
Bhatkal Town 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 483 of BNSS, 2023 to enlarge them on bail in Crime No.72/2026 of Respondent Police Station for the offences punishable under Sections 189(2), 191(2), 310(2), 126(2), 115(2), 352 read with Section 190 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 are law abiding citizens and they are having good reputation and strong roots in the society. The petitioners are sole bread earner of their respective family. The petitioners not at all connected to the alleged incident and they have been already granted bail in Crime No.71/2026 of Bhatkal town Police Station. The Petitioners are permanent residents of their addresses shown in the cause title of the petition. As such, they will not flee away from the justice. The Petitioners are in judicial custody since from the date of their arrest. Since the petitioners already interrogated prior to remanding them to JC, they are not required for further investigation or interrogation. The complainant has lodged false complaint. The averments made in the complaint

does not attracts the ingredients of the offences cited in the FIR. The Petitioners are ready to abide by any conditions that may be imposed by this Court and they are ready to furnish sureties to ensure their 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, the Petitioners have committed the offences punishable under Sections 189(2), 191(2), 310(2), 126(2), 115(2), 352 read with Section 190 of BNS-2023. Among the said offences, the offence under Section 310(2) of BNS alleged against the petitioners are very grave serious and heinous and the same is punishable with imprisonment for life. The Petitioners are having criminal bad antecedents. The evidence collected by the Investigating Officer and the statements of witnesses recorded by them prima-facie shows that the Petitioners have committed the alleged offences. The investigation is under progress. If at this stage, the Petitioners are granted with bail, there is possibility of they committing similar kind of offences or they may threaten the prosecution

witnesses and chance of absconding themselves 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 both sides. Perused the record.

5. The learned counsel for the Petitioners has relied upon the following decisions;

- (i) Criminal Petition No. 1396/2022
(M. Shashidhara @ Shasi S/o. Muniraju V/s.
State of Karnataka)
- (ii) Criminal Misc. No. 28661/2024
(Mohd Nayab V/s. State of U.P)
- (iii) Bail Application No. 3391/2016
(K.G. Anilkumar V/s. State of Kerala)

6. 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?

7. My findings on the above Points are as follows:

Point No.1 : In the **Negative**,

Point No.2 : As per final order, for the following:

REASONS

8. **Point No.1:-** The case was registered before the Respondent Police Station on 25-05-2026 in Crime No.72/2026 against the Accused No.1 to 28 and others for the offences punishable under Sections 189(2), 191(2), 310(2), 126(2), 115(2), 352 read with Section 190 of BNS-2023, based on the complaint lodged by Sri. Raghavendra Madev Naik.

9. The sum and substance of the FIR is that, the first informant is an auto driver. That on 24-05-2026 evening, the first informant on his autorikshaw bearing Reg.No.KA-47/A-4617 went to Karagadde on hire and while he was returning to Bhatkal on the way NH-66 near Murinakatta, he found the persons belonging to Muslim communities gathered at the road, blocking the road and shouting. The complainant in order to know what was happening at the said spot, stopped his auto-rickshaw by the side of the road and while the first informant after talking with one Mr. Gaju Naik known to him in his mobile phone recorded the video of the crowd blocking the road and shouting at the said spot, about 50 to 60 accused persons formed themselves into an unlawful assembly and they abused the first informant with filthy words “ಹರಾಮಿ

ಮಾದರಚೂದ ತೂ ಕೌನರೆ ವಿಡಿಯೋ ಕರ್ನೇಕಾ” and the said accused persons wrongfully restrained the first informant by surrounding him and they thrashed him by hands and they knocked the first informant down into the road and they by kicking him with their feet caused internal injury to his body and stomach region and they by committing dacoity, robbed his 11 ProMax I-Phone worth Rs.40,000/- and 15 grams weighing silver chain worth Rs.4,000/- and thereby according to the prosecution, accused No.1 to 28 and others have committed the offences punishable under Sections 189(2), 191(2), 310(2), 126(2), 115(2), 352 read with Section 190 of BNS-2023. The Petitioners are arraigned as Accused No.31 & 32 in the remand application.

10. The offences alleged against the Petitioners are very grave, serious and heinous and among the offences alleged against the petitioners, the offence alleged under Section 310(2) is punishable with imprisonment for life. If the petitioners are granted bail in these kind of serious criminal riot cases, coupled with dacoity, committed in communal sensitive place Bhatkal it will give a wrong message to the society. Further the material on record shows that many of the

accused in Cr.No.72/2026 yet to be arrested and if the petitioners are released on bail, they may cause obstruction to further investigation.

11. At this stage there is reasonable ground for believing that the petitioners have committed the alleged offences.

12. The material on record shows that after obtaining of bail by the petitioners in Crime No.71/2026 they were remanded to JC in Crime No.72/2026 on 12/06/2026.

13. The Hon'ble Karnataka High Court in the case of **State of Karnataka represented by Arakalagud Police V/s B.D. Sandeepa reported in ILR 2016 Karnataka 1516** held that;

**A. CRIMINAL PROCEDURE CODE, 1973-
SECTION 439- Grant of bail- Factors to be considered by the Court- HELD, Mere fact that the accused has been in judicial Custody and the police have filed charge sheet is not sufficient to grant bail- Court has to consider whether there is any prima-facie or reasonable ground to believe that the accused had committed the offence, nature and gravity of the accusation, severity of the punishment in the event of released on bail, character, behavior, means, position and standing of the accused, likelihood of the offense being repeated, reasonable**

apprehension of the witnesses being influenced and, danger, or course, of justice being thwarted by grant of bail.

14. It is settled proposition of law that, **“while considering the bail petition the Court has to keep in mind the nature of accusations, nature of evidence in support thereof, severity of the punishment which conviction will entail, the character, behavior, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of witness being tampered with, the larger interest of the public or state and similar other considerations”.**

15. In the case of State of **Orissa V/s Mahimananda Mishra reported in (2019)1 Supreme Court Cases (Cri) 325** it was held that:-

"A. Criminal Procedure Code, 1973-S.439-Bail-Grant of, its Validity of-High Court not justified in going into evidence on record which amounted to ascertaining probability of conviction of accused Court failed to appreciate several crucial factors which indicated if inappropriate to grant bail-Order granting bail set aside."

16. In the case of **H.C. Faiz Rehmaan and another V/s State of Orissa reported in 2019(1) Crimes 772 Orissa** it was held that:

"439-Bail-Nature and Gravity of accusation and prima-facie material showed involvement of petitioner in commission of offence-Bail not to be granted".

17. I have gone through all the citations relied upon by the counsel for petitioners. The fact and circumstances of this case and the citations aforesaid are different and hence the same are not applicable to the facts of the present case.

18. Under the facts and circumstances and in view of the precedents referred above in para No.12, 14 and 15 this Court is of view that, gravity of offence does not weigh personal liberty of the petitioners. In view of the aforesaid precedents, nature of accusation, gravity of crime and severity of punishment for the alleged offences in my opinion the petitioners are not entitled for regular bail under Section 483 of BNSS.

19. If the Petitioners/Accused No.31 & 32 are released on bail, they may threaten the prosecution witnesses or they

may abscond by violating the bail conditions and in such a case the further proceeding of this case will be hampered and hence, I am of the considered view that the Petitioners/Accused No.31 & 32 are not entitled for bail. Hence, I have answered point No.1 in the **Negative**.

20. **Point No.2** :- In view of my findings on Point No.1, I proceed to pass the following:

ORDER

The Bail Petition filed by the Petitioners under Section 483 of BNSS-2023, is hereby ***rejected***.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open court on this the 9th day of July, 2026)