



**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 21st day of February, 2026

S.C.No.30/2025

**Petitioner/
Accused**

: Joran Francis Barretto,
Aged about 48 years, Occ: Painter,
R/o: Seabird Road, Baithkol, Karwar
Taluk, Uttara Kannada District
(By Smt. Rajeshwari V. Naik, Chief LADC)

-Vs-

**Respondents/
Complainant**

1. The Police Inspector,
KTPS, Karwar,
Rep. by PP, Karwar
2. The State of Karnataka,
Represented by Public Prosecutor,
Karwar, Uttar Kannada.

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

ORDER

The present Bail Petition is filed on behalf of the
Accused under Section 483 of BNSS, 2023 for grant of
regular bail.

2. In the Bail Petition of accused, learned Chief LADC appearing for the Accused has contended that, the Accused is innocent and he has not committed the alleged offences. The Accused is having good reputation and deep roots in the society. The Accused is the permanent resident of his address shown in the cause title of the Petition. The Accused is in JC since from the date of his arrest. Since the IO after completion of investigation has filed the charge sheet, the Accused is not required for further investigation. There is no reasonable ground for believing that the accused has committed the alleged offences. The Accused 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 Court. Inter-alia, on these grounds the Chief LADC appearing for the Accused 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 Accused has committed the offences punishable under Sections 103, 352, 351(2) of BNS-

2023. The offences alleged against the Accused are very grave, serious and heinous and among the offences alleged against the Petitioner under Section 103 of BNS is punishable with death or imprisonment for life. The statements of the witnesses recorded by the IO and other charge sheet materials prima-facie shows that the Accused has committed the alleged offences. If the accused granted bail he will not attend the Court during trial. No sufficient grounds are made out by the Accused for granting bail. It is further urged that if the accused is released on bail, he may threaten the prosecution witnesses and the possibility of the accused absconding himself by violating the bail conditions can not be ruled out. 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 Accused 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 **Negative**

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

REASONS

7. **Point No.1:-** The case was registered against Accused before the Karwar Town Police Station in Crime No.60/2025 for the offences punishable under Sections 103, 351(2), 352 of BNS on the basis of the first information lodged by the first informant Smt. Sheela Inas Baretto.

8. The case of the prosecution in brief as culled out from the charge-sheet is that, CW.1 is the sister of Accused. After the death of husband of CW.1, C.W.1 and her son Chasten lived in the parental house of CW.1 i.e., in Baithkol, Karwar. That on 09-08-2025 the accused by demanding money for drinking alcohol, picked up quarrel with CW.1 and deceased Chastan, at that time the deceased Chastan thrashed accused by hands. That on 16-08-2025 at about 10.45 p.m., the deceased Chastan requested the accused to open the door of the house in Seabird Road, Baithkol,

Karwar, the accused out of previous enmity with intention to kill Chastan with iron Hoe hit on the head of deceased Chastan and thereafter accused with hammer beaten on head of deceased and committed his murder and Accused abused the C.W.1, 12, 13 and 14 in filthy words and thereafter gave life threat to C.W.1, 12, 13 and 14 with dire consequences and thereby according to the prosecution the accused has committed the alleged offences punishable under Sections 103, 351(2) and 352 of BNS-2023.

9. The offences alleged against the Accused are very grave, serious and heinous and among them offence alleged under Section 103(1) of BNS is punishable with extreme penalty of death or imprisonment for life. The specific overt act of committing murder of deceased by beating the deceased with lethal weapons is made against the accused. The respondent police after completion of investigation has filed the charge-sheet against the accused wherein total 45 witnesses cited CW.1, 12, 13 and 14 are alleged eyewitnesses to the incident. After perusing the statement of prosecution witnesses and other charge-sheet materials I am of the view

that, at this stage there is a reasonable ground for believing that, the Accused has committed the alleged crime.

10. 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.

11. 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”.

12. In the case of **Anil Kumar Yadav V/s State of N.C.T. Delhi-(e)** reported in 2017(4)Crimes 525 S.C. it was held that:-

“Section 439-Period of incarceration by itself would not entitle the accused to be enlarged on bail in offences under Section 302-instantly, Trial Court granted bail because accused was behind the bar for 16 months-not proper”.

13. 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."

14. 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".

15. Under the facts and circumstances and in view of the precedents referred above this Court is of view that, gravity of offences does not weigh personal liberty of the accused. In view of the aforesaid precedents, nature of accusation, gravity of crime and severity of punishment for the alleged offences in my opinion the accused is not entitled for regular bail under Section 483 of Cr.P.C.

16. If the Accused is released on bail, he may threaten the prosecution witnesses or he 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 Accused is not entitled for bail. Hence, I have answered point No.1 in the **Negative**.

17. **Point No.2:-** In the result for the reasons stated above, I am constrained to pass the following;

ORDER

**The Bail Petition filed by Accused
under Section 483 of BNSS, is hereby
rejected.**

(Dictated to the Stenographer on computer, typed and print out taken by her, corrected, signed and then pronounced by me in the open court on this the 21st day of February, 2026)

(PARAMESHWARA PRASANNA.B.)

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