

KAUK010007892026



**IN THE COURT OF ADDL. DISTRICT & SESSIONS
JUDGE - FTSC - 1 U.K. KARWAR (SPECIAL COURT
FOR TRIAL OF CASES FILED UNDER POCSO) ACT
C/C II ADDL. DISTRICT & SESSIONS JUDGE,
U.K.KARWAR.**

PRESENT: **Smt.Pratibha B.Kulkarni,**
B.A. LL.B.(Spl.),
Addl. District & Sessions Judge,
FTSC - 1 U.K., Karwar.
Special Court for trial of cases
filed under POCSO Act &
C/c II Addl. District & Sessions
Judge, U.K.Karwar.

CRIMINAL MISC.NO.201/2026
DATED THIS THE 13th DAY OF JULY 2026

PETITIONER/ : Jakeer Xee,
ACCUSED No.3: Age: 40 years,
R/o: H.No.2/12, 1st Floor,
Devji Chwl, Netaji Datta Mandir
Road, Kandivali West, Mumbai,
Presently R/o: H.No.552/1,
Forgottem, Goa-Velha,
Tiswadi, North Goa – 403 108.

(By Sri. SPB/MMM., Advocate)

Vs.

RESPONDENT: The State of Karnataka
by P.S.I, Ankola Police Station,

Represented by Public
Prosecutor, U.K. Karwar.

(By learned Public Prosecutor)

**ORDERS ON BAIL APPLICATION MOVED BY THE
ACCUSED UNDER SECTION 483 OF B.N.S.S.**

The counsel Sri. K.Polekar for the Petitioner/accused No.3 moved present petition U/Sec.483 of BNSS seeking to grant bail to the petitioner/accused No.3.

2. In the petition it is submitted that based on the complaint of the complainant, the Ankola Police have registered a case in their Police Station Crime No. 64/2026 against the accused and others for the offences punishable U/Section 126(2), 189(2), 118(1), 109 R/W Sec. 190 of BNS. The present petitioner is accused No.3. He is in judicial custody since 25.03.2026. Since the date of first remand, the police have not sought the accused for police custody. Therefore, accused is not required to the Investigation Officer for the purpose of investigation or interrogation.

3. The petitioner is permanent resident of Kandivali West, Mumbai and presently residing at

Goa-Velha,, having good respect and strong roots in the society and he has not at all involved in any offences. He is innocent and has falsely been implicated in this case. The petitioner has not committed any offences as alleged. He is the law abiding person. The offences alleged against the petitioner though non bailable and triable by Sessions Court, but are not punishable with death or life imprisonment. The petitioner is ready and willing to co-operate with trial and he will undertake that he will not hamper or tamper the prosecution witnesses and he will abide by the conditions going to be imposed by the Court. He is ready to give proper surety. Hence, prayed to grant bail to the petitioner.

4. Learned Public Prosecutor has filed detailed objections to the bail application along with report of the Investigation Officer on the grounds that application filed U/Sec.483 of BNSS is not tenable, the grounds made out are not sufficient to enlarge the petitioner on bail, the complaint has been lodged against the accused for the offences punishable U/Sec 126(2), 189(2), 118(1), 109 R/W Sec. 190 of BNS.

5. The offences alleged against accused are heinous in nature and triable by Session Court and if petitioner is released on bail, he may tamper the prosecution witnesses and materials and he may commit similar offences. Further he may abscond during trial. Accused is not entitled for bail. Accordingly prayed to reject the bail application of the petitioner.

6. I have heard learned counsel for the petitioner and learned Public Prosecutor for the State on the bail application. I have perused the file and records.

7. The following points that would arise for my consideration and determination:

1. Whether accused is entitled for bail
U/Sec 483 of BNSS ?

2. What order?

8. My findings to the above points are as under:

Point No.1: In the Affirmative.

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

REASONS

9. **POINT NO.1**:- Admittedly based on the first information of the complainant, a case is registered in

Crime No.64/2026 of Ankola Police Station against the accused and others for the offences punishable U/Sec. 126(2), 189(2), 118(1), 109 R/W Sec. 190 of BNS.

10. In the complaint, it is alleged that the person injured is Secretary to State Congress Party. On 25.03.2026 at 9.15 am the injured and complainant went to fish market at Ankola in a car bearing Reg No.KA-01/MT-5895. Thereafter injured went to Saloon for shaving and complainant was sitting in car. After 15 minutes later when injured was coming out of the Saloon, on front of Axis Bank, two unknown persons suddenly attacked the injured with deadly weapons and assault on the head with an intention to kill him. In the process of stabbing on the chest, injured with great difficulty escaped despite said unknown persons chasing him to the house Sri. Srinivas Nayak. Therefore, complainant filed the complaint detailing the incident.

11. The learned counsel for the petitioner argued that though the alleged offences are triable by Sessions Court and non bailable in nature, but not punishable with life imprisonment or death penalty. The false case has been registered against the accused and others.

Charge-sheet has not been filed within 90 days, hence, petitioner/accused is entitled for default bail/statutory bail. The name of the petitioner was not in the complaint and FIR. In Identification Parade the complainant and injured have not identified the accused No.3/petitioner. There is no nexus between the accused No.3/petitioner and the assault on the victim. Accused No.18 is said to be master mind and he is said to be engaged others for commission of the offences. Any confession given by any of the accused is hit by evidence Act. In CCTV footage Accused No.3 cannot be seen by assaulting any one. Accused No.3 was arrested at Majali check-post, Karwar on 25/03/2026, at 11.00 a.m., but shown as arrested at 11.00 p.m, hence, CCTV footage of check-post could be seen to ascertain when he was arrested. The accused No.7, 8, 9, 11, 16, 18, 19, 20 and 21 have got regular bail from Hon'ble High Court, Dharwad and some of the accused have obtained anticipatory bail. Hence, on the ground of parity it is prayed accused may be granted bail.

12. The learned counsel further argued that the petitioner is permanent resident of Mumbai and at present residing at Goa state. There is no chances of

absconding by the accused. The accused is ready to abide by the conditions going to be imposed by the court, he is ready to appear before the Court and accordingly requested the court to grant bail to the petitioner by imposing stringent conditions.

13. Learned Public Prosecutor argued that complainant filed the complaint before the Ankola Police station. The victim is the respectable person and he has been attacked by the accused. CCTV footage are available, the rods and weapons used by the accused are recovered. The CCTV footage shows that A-3 who is said to be at the spot along with others. Investigation is still pending and it is in progress. There is prima facie case. The offences alleged against the accused are non-bailable in nature and triable by Sessions Court and if petitioner/accused is released on bail, he may tamper the prosecution witnesses and threaten the prosecution witnesses. Hence, prayed to reject the petition.

14. Admittedly the alleged offences against the petitioner are punishable 126(2), 189(2), 118(1), 109 R/W Sec.190 of B.N.S, which are non bailable in nature and triable by Court of Sessions. It is evident

that the Investigation Officer arrested the accused/ present petitioner and produced before the court and accused has been remanded to judicial custody. So accused is in judicial custody since 25.03.2026 and he is not required for the Investigation Officer for the purpose of investigation or interrogation.

15. It is to be noted here that in connection with same crime, the Hon'ble High Court granted regular bail to accused No.7 and 8 in Criminal Petition No. 101017/2026 and accused No. 11 in Criminal Petition No. 101049/2026 and the Hon'ble High Court granted anticipatory bail to accused No.18 in Criminal Petition No. 100751/2026, to accused No.21 in Criminal petition No.100978/2026, accused No.16 in Criminal petition No.100979/2026, accused No.20 in Criminal petition No.100980/2026, accused No.11 in Criminal petition No.101049/2026, accused No.19 in Criminal petition No.101050/2026, accused No.9 in Criminal petition No.101129/2026, The copies of said orders of Hon'ble High Court are furnished by the learned counsel for the present petitioner. The learned counsel submitted to grant bail to the accused No.3 /petitioner on parity.

16. It is settled law that while granting or rejecting bail, the court is required to see that whether accused is required for further investigation and his presence could be secured at the time of trial. It is also settled law that at the time of entertaining bail application the court need go in to the merits of the case. Pre-trial detention of the accused without any justifiable grounds is not required. It amounts to curtailing of his personal liberty.

17. As Hon'ble High Court granted regular bail and anticipatory bail to some of the accused persons as referred above and on parity ground accused No.3/petitioner is entitled for bail. Further as accused No.3 is ready to abide by the conditions going to be imposed by the court for enlarging him on bail and in view of the facts and circumstances of the case, I am of the opinion that accused may be released on bail by imposing stringent conditions, which may wash out apprehension of the prosecution. Hence, I answer above point No.1 in the Affirmative.

18. **POINT NO.2:-** In view of my findings to point No.1 and reasons stated therein, I proceed to pass the following:

ORDER

The bail application filed by the accused No.3/petitioner U/Section 483 of B.N.S.S. is allowed.

Accused No.3 /petitioner is enlarged on bail on executing personal bond for Rs.1,00,000/- with 2 local sureties for the like sum to the satisfaction of JMFC Court Ankola on the following conditions:

1. The petitioner/Accused No.3 shall not tamper with the prosecution witnesses and material in any manner.
2. The petitioner/Accused No.3 shall not directly or indirectly make any threat or promise to any person who is acquainted with the facts of the case so as to deceive them from disclosing such facts to the court or to any Police Officer.
3. The petitioner/Accused No.3 shall not repeat similar offences.
4. The petitioner/Accused No.3 shall produce his I.D. proof and I.D. proof of his sureties before JMFC Court.
5. The petitioner/accused No.3 shall not leave the territory of India without the permission of the court.

6. In case of violation of any of these conditions, the prosecution is at liberty to seek for cancellation of the bail of the petitioner/accused No.3.

(Dictated to the Stenographer directly on System, corrected, signed and then pronounced in the open court on this the 13th day of July 2026.)

(Pratibha B.Kulkarni)
Addl. District & Sessions Judge,
FTSC-1 U.K, Karwar
(Special Court for trial of cases
filed under POCSO Act)
C/C. II Addl. District & Sessions Judge,
U.K.Karwar.