



IN THE COURT OF THE PRINCIPAL DISTRICT &
SESSIONS JUDGE, UDUPI AT UDUPI.

PRESENT

Sri K.S. Gangannavar, B.Com., LLB., (Spl.)
Principal District & Sessions Judge, Udupi

Dated this 6th day of March, 2026

Crl. Misc. No.64/2026

Petitioner Krishna Poojary
S/o Kutti Poojary,
Aged about 36 years
R/o Devi Krupa Mavinakatte,
Yellare/Yallary Post, Udupi.

(By Sri V.V. Poojary, Advocate)

/Vs/

Respondents 1. The State through
S.H.O., Malpe Police Station,
Udupi District.

2. Sulochana D/o Loku,
Aged about 36 years,
R/at Rajiv Nagara Nejar,
2nd Cross, Kalyanpura Panchayat,
Mooduthonse Village, Udupi.

(R.1 by Learned Public Prosecutor,
Udupi)
(R.2 - In person)

ORDER ON PETITION U/s 482 of B.N.S.S.

Accused facing allegations of the offences
punishable under Sections 329(3), 352. 351(2), 74 of
BNS 2023 and Section 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)
(va) of the Scheduled Castes and the Scheduled Tribes



(Prevention of Atrocities) Act, 1989 in Crime No.14/2026 of Malpe Police Station, has filed this petition.

2. According to complainant- Sulochana, she belongs to a Scheduled Caste. For house repairs, she being in need of money, approached Manipal Souhard Cooperative Society, Udupi. Petitioner being the head of the said society, agreed to grant loan of Rs.1,00,000/- and even received the interest amount through Phonepay. On his request, complainant allowed him to use her loan account to lend money to some other persons. In this manner, he transferred Rs.7,00,000/- to various persons projecting as if complainant herself made those transactions. Subsequently, when she objected for the same, petitioner threatened to foist false case against her based on those transactions. On 26.01.2026 he compelled the complainant to sell her gold chain and received its proceeds. On 06.02.2026 at about 5.00 p.m. or 6.00 p.m. petitioner illegally entered her house, shouted abusive words referring to her



caste, gave life threat so also outraged her modesty offering to sleep with him. Hence, sought for action.

3. In support of the relief, the petitioner has contended that, he is innocent and has been falsely implicated with mala fide intention on account of financial dispute. In fact, complainant had availed loan from petitioner's society and not repaying it even after repeated requests and notices. On 06.02.2026 when complainant did not respond to phone calls of the other society officials, petitioner being president of the society, attempted to contact her. Though complainant did not receive calls, later she sent WhatsApp message at about 7.55 p.m. that she is in a bus. Later at about 8.41 p.m. she messaged that she would come to society on the next day. Thereby it is clear that there was no alleged incident between 5.00 p.m. and 6.00 p.m. as she was not in her house. This case is nothing but a counterblast to the recovery proceedings initiated by the society. Even otherwise, as per the recitals of complaint, incident took place inside the house. Therefore, ingredients of the Scheduled Castes and the



Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not attracted in view of decisions of Hon'ble Supreme Court in Keshaw Mahto v. State of Bihar (2026) SLP (CRL) 12144/2025. petitioner is a law abiding citizen. He is ready and willing to abide by any conditions and to furnish surety for his release on bail. Hence, sought to allow the petition.

4. Learned Public Prosecutor filed objections with the I.O. Report. In his detailed objections he has contended that, there is statutory bar under Section 18 of the the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail. Further, there are serious allegations of outraging of modesty. Investigation is in progress. Petitioner is rich and influential. Being head of a financial institution, his presence is required to collect necessary documents relating to the transaction with the complainant. If released on bail, petitioner is likely to threaten the prosecution witnesses and destroy evidence. He may also abscond. He may not cooperate



in the investigation and may not attend the trial. Hence, prays for rejecting the petition.

5. Complainant has also submitted her objection to anticipatory bail petition apprehending threat to life of herself and her family members.

6. Heard both sides. Perused the materials.

7. Point that arise for consideration is:

“Whether the petitioner is entitled for anticipatory bail?”

8. Above point is answered in the affirmative for the following:

REASONS

9. The complainant has invoked the offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with offences dealt under BNS. The offences arising under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are non-bailable. These offences are primarily based on the offences invoked under the BNS. These offences are the threats causing bodily harm, loss of reputation, and mental injury. Indeed, these offences are not yet committed. According to the



petitioner, these allegations are invoked to refuse repayment of the debt. Even complainant in her complaint has stated for the accused operating her loan account. Therefore, it is clear that complainant had allowed the accused to handle the account or financial transactions.

10. At this stage, it is also noticed that, threats allegedly offered by the accused involve most inhuman or the conduct falling short of normal human dignity. It implies lack of civilization or mannerism whereas the transaction occurring between complainant and accused are the transactions of considerable social and economic awareness. Under these circumstances, it is noticed that the allegations are invoked to settle their personal scores. Under these circumstances, refusing the bail under the guise of non-bailable offence causes substantial injury.

11. Petitioner being gainfully employed, has come forward to offer sufficient security for his appearance both during investigation and trial. Availability of the accused is not the only factor to be



considered for granting bail because statutory bar for grant of bail hinders the grant of bail. Whereas the observations of Hon'ble Supreme Court as relied by the petitioners in the judgments reported in SLP (Crl.) No.12144 of 2025 (Keshaw Mahto v. State of Bihar) and order of Hon'ble High Court of Karnataka passed in Crl. Ptn. No.5584 of 2024 dated 02.06.2025 have made it clear that when there are sufficient clouds over the truth of the allegations, then such allegations cannot restrict the power of the court in granting bail.

12. In this context, it is noticed that, financial transactions are taken place between the complainant and the accused. Even the grounds of such offences which are unconnected with the admitted transactions, the offences intending to cause insult, insecurity and disgrace to the person of certain gender than the person of certain class. On the other hand, the offences of misrepresentation of facts causing cheating with the knowledge of social and economic background of the victim obviously would have made out appropriate allegations in the background of the admitted



transactions. Under these circumstances, granting of bail is found more appropriate in causing the advancement of justice in the investigation and trial. Hence, petitioner is found entitled to the relief.

13. Accordingly, above point is answered in the affirmative. Hence, the following:

ORDER

The petition U/Section.482 of BNSS is hereby allowed.

In the event of his arrest, petitioner shall be released on bail in Crime No.14/2026 of Malpe Police Station, on the following conditions:

- (1) Petitioner shall execute bail bond for the value of Rs.5,00,000/- with one surety for like sum.
- (2) Petitioner shall cooperate with the Investigating Officer in the investigation as and when required and shall attend the trial regularly.
- (3) Neither petitioner nor anybody on his behalf shall tamper or induce, try to tamper or try to induce the



prosecution witnesses to withhold from disclosing such facts of the offence either to the court or to the Investigating Officer.

- (4) Petitioner shall not indulge in any criminal activities during pendency of this case.
- (5) Petitioner shall appear before the Investigating Officer within 20 days of this order, if not, this bail order shall stand lapsed.

(Dictated to the Stenographer Grade-I, transcript revised/corrected, then pronounced in the open court on 6th day of March, 2026)

(K.S. Gangannavar)
Principal District & Sessions Judge,
Udupi