



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 10th day of March, 2026

Crl. Misc. No.84/2026

Petitioner Mohammed Iqbal
 S/o Hussain Saheb
 Aged about 48 years,
 R/at Flat No.20, D Block,
 Meena Anmol,
 Varambally Post,
 Brahmavara Taluk
 Udupi District.

(By Ms.Nagma Tonse, Advocate)

/Vs/

Respondent : The State through
 S.H.O., Brahmavara Police Station.

(By Learned Public Prosecutor, Udupi)

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

Accused facing allegations of the offences punishable under Sections 85, 115(2), 118(1), 352 and 351(2) of BNS 2023 in Crime No.36/2026 on 20.02.2026 of Brahmavara Police Station, has filed this petition.



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2. According to complainant- Rihana, on 11.06.2023 her marriage with petitioner took place. She is residing in Room No.101 of Swarna Residency of Varambally Village along with husband and daughter. After 2 ½ years of marriage, petitioner started suspecting her and subjected her to physical and mental torture. On 08.02.2026 when petitioner did not return home, complainant went in search of the petitioner and enquired in the garage in which he was working. At that time, petitioner raised his voice that he will not come home. After returning home, he had beaten the complainant for coming to garage. Again on 19.02.2026 at about 9.30 a.m. complainant went to garage to request the petitioner to return home, petitioner expressed his unwillingness to lead life with her saying, he prefers to lead life with first wife and asked her to marry someone else. When complainant insisted on leading life with petitioner, he dealt blows with a stone on her forehead, with iron rod on her head and all over the body and kicked on her stomach. He



threatened the complainant with dire consequences if ever she comes near garage. Hence, sought for action.

3. In support of the relief, the petitioner has contended that, he is innocent and matrimonial discord is exaggerated to falsely implicate him. Petitioner is not required for any custodial interrogation. He is having name and fame in the society, having deep roots in the society and has no criminal antecedents. Petitioner is ready to abide by the conditions and to offer surety. Hence, sought to allow the petition.

4. Learned Public Prosecutor filed objections with the I.O. Report. In his detailed objections he has contended investigation in progress. Complainant is issued with notice under section 94 of BNSS. Witnesses are yet to be enquired. If granted bail, petitioner is likely to leave the country to avoid investigation and trial. Petitioner may tamper with the prosecution witnesses and destroy evidence. Petitioner Hence, prays for rejecting the petition.

5. Heard both sides. Perused the materials.



6. Point that arise for consideration is:

“Whether the petitioner is entitled for anticipatory bail?”

7. Above point is answered in the affirmative

for the following:

REASONS

8. It is the definite case of the petitioner accused that complainant wife by considering certain domestic differences had lodged a false complaint. Petitioner is innocent of alleged offences and has not committed any of the offences as complained.

9. These offences are not punishable by death or imprisonment for life. Detaining the husband on the basis of non-bailable offence would aggravate the domestic differences between the husband and wife. On the other hand, accused husband claims to be duty-bound to maintain his wife. Under these circumstances, detaining the accused is not proper. At the same time, security of complainant needs to be considered because marital differences should not be aggravating. Thereby, healthy relationship among the spouse may be



maintained. In this regard, regular visit of Protection Officer will considerably reduce the risk of abusing the bail by the petitioner. Hence it is found proper to allow the petition subject to certain reasonable conditions as will safeguard the interest of the complainant's wife.

10. 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.36/2026 of Brahmavara Police Station, on the following conditions:

- (1) Petitioner shall execute bail bond for the value of Rs.50,000/- with a 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 the pendency of this case.
- (5) Both I.O and the petitioner shall invoke the jurisdiction of the jurisdictional Protection Officer who shall enquire into the incident and shall extend all possible protection to the complainant wife and shall restrict the petitioner from indulging in any of the acts whereby life and limbs of the complainant would be exposed to harm or danger of injuries.
- (6) From the date of communication of this order, Protection Officer shall inspect places once in two weeks for first two months, thereafter, once in month for a period of three months. Any incidence of domestic violence if



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occurred shall be reported to the jurisdictional Magistrate for appropriate reliefs so that the protection provided to the complainant under the Protection of Women from Domestic Violence Act, 2005 shall serve the need of the hour. Complainant shall be informed of reaching out to the Protection Officer, if need be, in any future days.

- (7) Petitioner shall appear before the Investigating Officer within 20 days of this order, if not, this bail order shall stand lapsed.

For the report of I.O. and the Protection Officer call on:_____ .

(Dictated to the Stenographer Grade-I, transcript revised/corrected, then pronounced in the open court on 10th day of March, 2026)

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