



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 18th day of June, 2026

Crl. Misc. No.209/2026

Petitioner Arun S/o Basava Marakala,
Aged about 41 years,
R/at. D.No.5-117, Rukku Madilu,
Bada Alithota, Gundmi Village,
Irody, Udupi.

(By Sri Bhavish Kunder, Advocate)

/Vs/

Respondent The State through
S.H.O., Kota Police Station,
Udupi District.

(By Learned Public Prosecutor, Udupi)

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

Accused No.2 facing allegations of the offences punishable under Sections 126(2) and 308(2) of BNS 2023 in Crime No.62/2026 of Kota Police Station, has filed this petition.

2. According to complainant-Ajit Kumar Shetty, he is supplying mud to Tiles Factories of Kundapura region from 78 cents of land belonging to

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Sudhakar Shetty in Bellampalli Village. In this regard, he has obtained permit from Mines and Geology Department and NOC from concerned departments. Accused No.1 claiming himself to be the member of Dalita Sanghathane asked him to be present at Tahsildar Office, Udupi on 10.04.2026 at 10.45a.m. He also put a demand for Rs.2,25,000/- allegedly payable to certain officers so as to allow him to carryout his work for month. Within an hour, petitioner/accused No.2 telecasted a news item with the caption 'ಅಕ್ರಮ ಕೊಚ್ಚೆ ಮಣ್ಣು' in News Next Web Channel. While complainant was on Bannadi-Garadi road on the way to his home at Vaddarse in Brahamavara, accused Nos.3 and 4 intercepted his car, and threatened with a demand to pay Rs.2,00,000/- saying that they have published news items about him in Web Channel and WhatsApp group 'Brahma Bydarkala Kambala', Complainant also alleged that accused No.3 has submitted false representations forging the signatures of general public. Hence, sought for action.



3. In support of the relief, the petitioner has contended that, he is innocent of the offences alleged and he has been falsely implicated. Allegation against him is only that he has published a news item against the complainant. Custodial interrogation of the petitioner is not required for investigation. Petitioner has no criminal antecedents. Offences alleged are not punishable with death or life imprisonment. Petitioner is having tough roots in the society. Petitioner undertakes to abide by the conditions and to furnish 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 that investigation is in progress. The accused has committed the offences alleged with other accused persons. If he is granted bail, it would be difficult to secure other accused persons. General Public would have no respect for law. Petitioner may tamper with the prosecution witnesses, he may not cooperate in the investigation and may not attend the



trial. Petitioner may repeat the offence. Hence, prays for rejecting the petition.

5. Heard both sides. Perused the materials.

6. Point that arise for consideration is:

“Whether the petitioner entitled for anticipatory bail?

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

REASONS

8. The petitioner claims to be accused No.2 in this case. Going by the allegations of the complaint, based on the lease and licence issued by the Department of Mines and Geology, complainant claims for removing the earth to supply the needs of a tiles factory. However, the accused, on the other hand, are making false representations to the authorities against the activities of the complainant. In addition, the accused persons, according to complainant, demanded money to stop the complaints.

9. This approach of the accused persons need not find any encouragement. Because, according to the



complainant, when the quarry activity is as per the terms of the lease and licence, the licensing authority or persons concerned with such activity, in case the quarry activity is to affect any public or other properties, then such affected persons, along with the authorities looking after the grant of lease of quarry operations, are to be held responsible. In this context, the allegations made against the accused persons need not hold any substance.

10. However, going by the claim of the complainant, when the quarrying operations are as per the lease terms, then such activity is protected by the licensing authority. It is only when the quarrying activity proceeds contrary to the terms of the lease then the quarry operator has to oblige the demands of the authorities. Now, the complainant claims to be carrying on the quarry activity in a legal manner. As such, there are no reasons to be affected by the complaints of the accused.



11. In case the quarry operation is going contrary to the terms of the lease, then not only the operator, but even the authorities concerned with the management and supervision of the quarry operation shall be made liable. Even the alleged act of the petitioner-accused is not punishable with death or life imprisonment. In addition, the petitioner undertakes to abide by the conditions of bail if he is released on bail. Accused No.1 is granted anticipatory bail by this court in Crl. Misc. No.182/2026 by order dated 14.05.2026. Therefore, it is found proper to allow the petition.

12. 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 arrest of the petitioner in Crime No.62/2026 of Kota Police Station, he shall be released on bail on the following conditions:



- (1) Petitioner shall execute bail bond for the value of Rs.2,00,000/- 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) 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 18th day of June, 2026)

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