



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 17th day of June, 2026

Crl. Misc. No.218/2026

Petitioner

Lokesh Poojary,
S/o. Ananda Poojary,
Aged about 52 years,
R/o Kolalgiri,
Uppoor Village,
Brahmavara Taluk,
Udupi District.

(By Shri. P. Nityanand Shettigar, Advocate)

/Vs/

Respondents

- 1) The State through
S.H.O., Brahmavara Police Station.
- 2) Sujatha W/o Peter,
Aged about 50 years,
Kolagiri, Uppoor Village,
Brahmavara Taluk,
Udupi District.

(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 324(4), 329(3), 351(2), 352
of BNS 2023 and Section 3(1)(r), 3(1)(s) of the



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Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Crime No.87/2026 of Brahmavara Police Station, has filed this petition.

2. According to complainant- Sujatha, accused/petitioner is her neighbour and there is dispute between them regarding pathway. Petitioner threatening to kill her and to demolish her house saying, he will not be afraid of atrocity case and used to abuse her referring to her caste as ಕೂಸಾಳು ಜಾತಿಯವರು. On 13.05.2026 during night he trespassed into property of complainant, demolished the house and threatened that he will not allow the complainant to stay there. Hence, sought for action.

3. In support of the relief, the petitioner has contended that, there are no reasonable grounds to believe his involvement in the offence alleged. Complaint does not disclose any exact role played by the petitioner. In fact, on 12.05.2026 petitioner had complained to Tahsildar, Udupi and PDO, Udupi about illegal construction made by the complainant



encroaching upon the government land and blocking he road. Petitioner is permanent resident of Bengaluru and recently settled at Uppoor Village. He is having wife and two children. If he is arrested and detained in custody, his future will be ruined and his family would be put to hardship. Petitioner is respectable person in the society having deep roots. He is a law abiding citizen. Petitioner undertakes to abide by the conditions of bail 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 the detailed objections it is contended that the petitioner is involved in committing atrocity against a woman belonging to vulnerable community. Investigation is in progress. Witnesses are yet to be enquired. If released on bail, petitioner may threaten the witnesses and destroy evidence. He may abscond. Hence, prays for rejecting the petition.

5. On issuing notice of the petition, complainant appeared in person and submitted her



objections in writing. She contends that petitioner is rich and influential. If released on bail, he is likely to harm her as he has already given her life threat. Her husband is suffering from serious ill-health. They are economically backward. Petitioner is likely to demolish her house and kill her. Hence, prayed to reject the petition.

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 negative for the following:

REASONS

9. It is noticed from the complaint that even the complainant is awaiting an order of grant of specific movable property. The accused person, being in possession as an immediate neighbour, is also stated. Further, certain nursery activities along with, the movement of heavy goods vehicles immediately by the side of the complainant's house had caused panic.



10. It is also claimed that the complainant being a person belonging to the reserved category, has found certain illegal activities of the accused being atrocious. Such an approach cannot be neglected.

11. It is to be remembered at this stage that earlier malicious public works undertaken by the Panchayat, causing flooding of rainwater into the place and house of the sc/st category person, were sought to be inquired into by the Competent Authorities.

12. Even now, unrestricted activities of the accused will endanger the properties of the complainant. Refusing bail on this ground alone will also cause damage and loss to the accused. However, stringent safeguards are found necessary, not only against the accused but also to certain authorities of the Panchayat who are concerned with the safety of men and properties within their limits. Failure to assure and provide safety to life and properties cannot be encouraged by the State Authority. Hence, these observations shall be brought to the notice of the



competent Panchayat authorities, such as the CEO, Zilla Panchayat, whereby appropriate action can be initiated, if any breach is complained of. Further, these observations shall be considered by such Panchayat Authorities so as to avoid further damage, prosecution or inquiries.

13. Added to it, there is a clear bar for grant of anticipatory bail for the allegations of the offences arising under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, when the allegations are prima facie false, the reliefs are granted only on considered examination of the material allegations. In this petition, the relief sought is primarily based on presumption of innocence available to the accused. Prohibition of anticipatory bail is intended to extend protection against illegal acts of influential class in the society. In this context, at this stage, granting of the relief under section 482 of BNSS is not proper. Hence, the petition deserves to be



rejected with observations to be complied by the panchayat authorities.

14. Accordingly, above point is answered in the negative. Hence, the following:

ORDER

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

Office to send copy of this order to Chief Executive Officer, Zilla Panchayat, for information and necessary action. The concerned Panchayat authorities shall monitor the situation in the locality and shall ensure that the safety of life and property of the complainant is not affected and accused shall not be permitted to carry out any unauthorized activity or act causing disturbance to the peaceful possession and enjoyment of the properties by the complainant.

(Dictated to the Stenographer Grade-I, transcript revised/corrected, then pronounced in the open court on 17th day of June, 2026)

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