



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 18<sup>th</sup> day of June, 2026

**Crl. Misc. No.220/2026**

Petitioner                      Rameez Mohammed Bahu Byari,  
S/o Mohammed Bahu Byari  
Aged about 32 years,  
R/at. 2-58/1, Sunnapade,  
Post: Manipur, Manipura Village,  
Udupi Taluk and District.  
  
(By Shri Y.T. Raghavendra, Advocate)

/Vs/

Respondent     :     The State through  
S.H.O., Kaup 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 Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Sections 115(2), 351(2), 351(3), 352 r/w 3(5) of BNS in Crime No.29/2026 of Kaup Police Station, has filed this petition.



Crl. Misc. No.220/2026

2. According to complainant- Ponjila Mohammed Rafiq, accused No.1 Naseema is his wife. They are having three children -two daughters and a son aged 11 years. Accused No.1 was not at all cordial in her behaviour towards complainant and children. She used to quarrel with them and abuse them without any reason. On 30.11.2025 when complainant had been to Andhra Pradesh on his work, his minor son made a phone call informing that accused No.1 used to call the petitioner to the house during night hours. They used to stay together in room and accused No.2 used to leave the house by 5.00 a.m. The victim boy further complained that accused No.2 used to behave indecently with children, hug them improperly, take their photos in mobile phone and used to torture them physically and mentally. When the boy told them that he will inform the incident to complainant, accused persons squeezed his neck, slapped on his back and cheek and destroyed his mobile phones. They also threatened to kill him if he so informed the complainant. When complainant enquired about the



incident, accused shouted abusive words and threatened to get him fixed in POCSO case. Hence, sought for action.

3. In support of the relief, the petitioner has contended that he is innocent and the allegations made against him are false. There are no reasonable grounds to connect him to the crime. There is delay in lodging complaint which is not properly explained. Petitioner is the only earning member of his family. He is having deep roots in the society. His presence is not required for investigation purpose. He undertakes to abide by the conditions and to furnish satisfactory 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 completed and charge sheet is filed before the jurisdictional court. The victim boy has offered statement under Section 183 of BNSS before the Magistrate corroborating complained allegations. The offences alleged are heinous in nature.



Crl. Misc. No.220/2026

If released on bail, petitioner is likely to threaten complainant and his children and destroy evidence. Petitioner is likely to abscond to avoid investigation and trial. Hence, sought to reject 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. On perusal of the materials placed on record, it is evident that the allegations arising out of the matrimonial dispute between the complainant and accused No.1, who are husband and wife. The allegations made against accused No.2 are required to be considered in the background of such strained relationship between the parties. It is the specific allegation that accused No.1 was not cordial with the complainant and children. There were repeated disputes between them.



9. No doubt, the allegations made against the petitioner relate to improper behaviour towards the children and the victim boy has also given a statement before the learned Magistrate under Section 183 of BNSS. However, it is also necessary to consider that the investigation is already completed and charge sheet has been filed before the jurisdictional Court. Therefore, the custodial interrogation of the petitioner is no more required.

10. The allegations indicate that the children are caught in the matrimonial dispute between the parents. The children cannot be permitted to become instruments for continuing disputes between the parties. The primary interest is the safety and welfare of the children . Any further conflict between the parents should not result in adverse impact on the childhood and future of the innocent children. Therefore, considering the overall facts, particularly, the allegations regarding safety and custody of the children, it is necessary that the Investigating Officer shall take appropriate steps to place the children before the



Crl. Misc. No.220/2026

Juvenile Justice Board and collect a report regarding their present safety, custody and welfare.

11. As regards grant of anticipatory bail, the petitioner has undertaken to abide by the conditions and to cooperate with the trial proceedings. The petitioner is resident within the jurisdiction and having roots in the society. Hence, it is found proper to release the petitioner on anticipatory bail subject to imposing suitable conditions.

**12.** Accordingly, above point is answered in the affirmative. Hence, the following order.

### **ORDER**

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

In the event of arrest of the petitioner in Crime No.29/2026 of Kaup 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 one surety for like sum.



Crl. Misc. No.220/2026

- (2) Petitioner shall cooperate with the Investigating Officer in the investigation 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 or to withhold from disclosing such facts of the offence either to the court or to the Investigating Officer.
- (4) The petitioner shall not enter into any dispute with the complainant or attempt to interfere with the welfare, custody or safety of the children.
- (5) The Investigating Officer shall take necessary steps to produce the children before the Juvenile Justice Board and shall collect a report regarding their safety, custody and welfare before the jurisdictional Court.
- (6) Petitioner shall not involve in any criminal activities during the pendency of this case.



Crl. Misc. No.220/2026

- (7) Petitioner shall appear within 15 days of this order before the Investigating Officer, if not, this order stands lapsed.

(Dictated to the Stenographer Grade-I, transcript revised/corrected, then pronounced in the open court on 18<sup>th</sup> day of June, 2026)

**(K.S. Gangannavar)**

Principal District & Sessions Judge,  
Udupi.