



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.222/2026

Petitioner Aryan Manoj Kalbande,
 S/o Manoj Kalbande,
 Aged about 20 years,
 Occupation: Student,
 R/at Jaitala Road,
 Near Hanuman Mandir,
 Jaitala, Nagpura-440036.

(By Sri Mahammad Suhan, Advocate)

/Vs/

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

(By Learned Public Prosecutor, Udupi)

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

Accused facing allegations of the offences punishable under Section 66C and 66D of Information Technology Act, 2000 and Section 318(4) of BNS in Udupi CEN PS Crime No.64/2025 dated 05.12.2025, has filed this petition.

2. According to complainant Kamalanabha Bayari, he is having Savings Bank Account



No.01862200019210 in Canara Bank, MGM College Campus Branch, Kunjibettu. Complainant received .apk files through WhatsApp No.9343337388 on 04.12.2025 and 9007967295 and 8421642507 on 05.12.2025. When complainant downloaded those files, there were series of deductions from his bank account totally amounting to Rs.10,70,000/-. Hence, sought for action.

3. During investigation, service providers furnished the particulars of present petitioner as the subscriber of mobile No.8421642507. Accordingly, notice under Section 35(3) of BNSS is issued to the petitioner. Hence, apprehending his arrest, petitioner has filed this petition.

4. The petitioner, contrary to these allegations, has contended that he had handed over said SIM Card to his friend about a year back. He is in no way concerned with said SIM card and not using it. He has not received any money as alleged. Petitioner is a student. His father is labour in MIDC, Nagpur. His mother is maid. Petitioner belongs to poor family. He



has no criminal antecedents. The offence is triable by Magistrate. He is apprehending arrest as he received notice from complainant police. Even he has received phone call from police directing to appear for enquiry. He is ready and willing to abide by the conditions of bail and to furnish surety. said SIM Card has been falsely implicated at the instance and instigation of his enemies. The entire case of the prosecution appears to be a story than the facts. There is no direct evidence against him to implicate in this case. The petitioner is even remotely not connected to the crime. Petitioner never made any publication or transmission of obscene material in electronic form. He is having no nexus with the crime. He is having no occasion to come across with the prosecutrix. He has been made as a scapegoat. Petitioner is young aged. He is the resident of Uppunda Village of Udupi District. His parents are depending on his income for their livelihood. There is no criminal antecedents against him. If he is released on bail, there is no apprehension of jumping out of bail or tampering the witnesses. He is ready to abide by the



conditions and willing to offer surety. Hence, sought to allow the petition.

5. Learned Public Prosecutor filed objections with the I.O. Report relying upon the allegations of the complaint. It is further stated that investigation is in progress. Petitioner has not complied with police notice dated 17.05.2025 and 23.08.2025 for appearance to cooperate in the investigation. Petitioner is residing outside the jurisdiction of this court and not in the address shown in the petition. Mobile phone of the petitioner is yet to be seized and to be referred for scientific analysis. If granted bail, petitioner is likely to repeat the offence, he may threaten the prosecution witnesses and destroy evidence and may abscond. He may not cooperate for investigation and may not attend the trial. Hence, sought 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. Complainant is resident of Udupi and on the use of certain Mobile Application claims to have lost amount at different point of time totally to the tune of Rs.10,70,000/-. Petitioner/accused is resident of Nagapur. He claims to be a student and coming from humble background. It is claimed by the petitioner that he is innocent and not aware of the use of his contact details in the commission of offence.

10. The tool of depriving the money is used by cybernet. This cybernet is provided by the State Entity. Use and abuse of the web is at the discretion of the individual. Criminal intention abusing the web is the result of uncontrolled or uncensored either the web or the Application used in such web causing peril to the other persons. State cannot disown a system which can easily be abused by the men of criminal intention.

11. Now the Investigating Officer on examining the cyberspace had reached the accused. Explanation of the accused at the first instance appears to be acceptable. However, the commodity i.e., either the SIM



Card or internet protocol or the app, each of these components by themselves are to be used with certain amount of caution. But, now while using or accessing such things, have left the caution to the wind, thereby exposed great extent of the society to the peril of abuse. Therefore, both State providing facility of access to applications, providing the facility of unrestricted use of web network in different modules has been an issue of threat both to the individual and the State Entities. It would be better for the State to wake up about such Applications and their abuse before the menace becoming non-state threat entity.

12. The investigation is not yet completed. It is one of abusing instance that has surfaced. However, the men operating for such abuse will not contact only one person unless such persons are of eminent value or reputation. Complainant appears to be a common man. How many common men have been approached by the accused persons are yet to be investigated into. Hence, it is found not proper to release the accused on bail.



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

ORDER

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

Observations of this order shall be brought to the notice of Superintendent of Police, Udupi and through him to the Ministry of Electronics and Communications.

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

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