



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 11th day of June, 2026

Crl. Misc. No.224/2026

Petitioner Namitha Shetty,
 W/o Udaya Shetty,
 Aged about 33 years
 R/at Yepejeddu, Bajakala,
 Nitte Village and Post,
 Karkala Taluk, Udupi District.

(By Sri Prasad Kumar Shetty, Advocate)

/Vs/

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

(By Learned Public Prosecutor, Udupi)

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

Accused No.1 facing allegations of the offences punishable under Sections 316 and 318 of BNS in Crime No.40/2026 dated 05.04.2026 of Padubidri Police Station, has filed this petition.

2. According to complainant– Manisha, her engagement with accused No.3 Vishnuprasad took place on 14.12.2023 in the presence of elders.



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Thereafter, accused No.3 in collision with petitioner/accused No.1 Namitha Shetty and accused No.2 Vijay, falsely representing that he is going to mortgage the immovable property of complainant at Tenka Village, caused heavy loss by alienating it. Further, he has raised loan in the name of complainant at many places under the promise of marriage. Ultimately, he neither married complainant nor refunded her money. Thus, he has committed criminal breach of trust and cheating. Hence, sought for action and filed private complaint No.128/2025 before the I Addl. Sr. Civil Judge, Udupi. It was referred for investigation to jurisdictional police who in turn, registered the crime and issued notice to petitioners herein.

3. In support of the relief, the petitioner has contended that, she has not committed any offence as alleged. She is the bona fide purchaser of the property in question for valuable consideration. Complainant voluntarily executed sale deed after understanding the contents thereof. Petitioner has no role in the personal



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relationship or alleged promise of marriage between the complainant and accused No.3. The case is based on documentary evidence which is in the custody of investigating agency. Therefore, custodial interrogation of the petitioner is not at all required. Petitioner is permanent resident of given address having deep roots in the society and she belongs to respectable family. Petitioner is a law abiding citizen. She is having minor child which is dependent upon her. If she is arrested, her family would be put to hardship. Petitioner has lost her parents. Having no house of their own, herself and her elder brother thought of purchasing a land for construction of the house and arranged for money. Petitioner had gone to see the property and met the complainant who expressed her intention to sell the property. Property though purchased in her name, it is for herself and her elder brother. Now the petitioner has constructed the house by raising loan from Bank of Baroda and living in it. Petitioner is ready and willing to



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abide by the conditions and furnish surety for her 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 investigation is in progress. Statements of witnesses are to be recorded. If released on bail, petitioner is likely to threaten the prosecution witnesses and destroy evidence. She may abscond, may not cooperate in the investigation and may not attend the trial. Hence, prays for rejecting the petition.

5. Heard both sides. Perused the materials.

6. Point that arise for consideration is:

“Is the petitioner entitled
for anticipatory bail?”

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

REASONS

8. Petitioner accused No.1 claims to be the purchaser under accused No.3. Said sale deed allegedly executed in the year 2024. Complaint is lodged in the year 2026. Accused No.3 is not stranger to the



complainant. Accused No.3 is engaged to the complainant but marriage is not solemnized for the financial difficulty of accused No.3. It is contended by the complainant that for tiding over the difficulties of accused No.3, complainant had offered her properties as collateral security. However, accused No.3 has created documents in respect of the properties of the complainant and thereby intended to divest title of the complainant. It is contended that for such purpose, accused No.3 has colluded with accused No.1 and others. On the other hand, accused No.1 relying on the documents, denies the allegations and contended that complainant is aware of the documents executed in favour of accused No.1 along with accused No.3.

9. In this context, allegations are to be investigated. Offences alleged in the context are relating to specific immovable property and the documents connected with such property. Said offences are not punishable with death or life imprisonment. Complainant and accused No.3 are engaged for



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marriage is not in dispute. Other accused persons being known to the complainant is also not in dispute. However, execution of document whether for collateral security or for conveyance of title are to be examined both during investigation and trial. In this context, it is noticed that, petitioner has definite place of residence and undertakes to abide by the conditions of bail. Hence, subject to offering satisfactory surety, suitable conditions may be imposed while granting bail so that purpose of both investigation and trial can be met.

10. Accordingly, above point is answered in the affirmative. Hence, the following:

ORDER

The petition filed by the petitioner U/Section.482 of BNSS is hereby allowed.

In the event of arrest of the petitioner in Crime No.40/2026 of Padubidri Police Station, she shall be released on bail on the following conditions:

- (1) Petitioner shall execute bail bond for the value of Rs.1,00,000/- with one surety for like sum.



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- (2) Petitioner shall cooperate with the Investigating Officer in the investigation and shall attend the trial regularly.
- (3) Neither petitioner nor anybody on her 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) Petitioner shall not involve in any criminal activities during the pendency of this case.
- (5) 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 11th day of June, 2026)

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