



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 2nd day of June, 2026

Crl. Misc. No.227/2026

Petitioner Mahamed Shaffi,
S/o Sayad Saheb Halady
Aged about 52 years,
R/at. 2-24-76, Zohara House,
Hebri Road, Halady Village & Post,
Kundapura Taluk, Udupi District.

(By Shri Neil Brian Pereira, Advocate)

/Vs/

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

(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 85, 352, 351(2) r/w 3(5) of BNS in Crime No.32/2026 of Udupi Women Police Station, has filed this petition.

2. According to complainant- Shammi petitioner is her husband. Their marriage took place in 2001. Since one year petitioner is having affairs with



one Saritha Suvarna (accused No.2) of Malpe who is working in Mumbai. On being questioned, petitioner used to beat her and her children. He was saying repeatedly that he would convert to Hinduism and stay with said Saritha. Accused No.2 also used to threaten complainant to convert accused No.1 to Hinduism and get her divorced. On 11.04.2026 accused No.1 did not return from his work. On enquiry, she came to know he had been to Mantralaya with accused No.2. When approached police, police secured accused No.1 from Bengaluru and advised him. However, on reaching home, again accused No.1 shouted abusives against her and gave life threat. Hence, sought for action.

3. In support of the relief, the petitioner has contended that the allegations made against him are false and due to matrimonial discord. Petitioner is permanent resident of given address and is well settled in the society. He is not likely to abscond. He is having deep roots in the society and having family responsibilities. His arrest would cause irreparable



hardsihp, humiliation and loss of reputation. Offences alleged are neither punisahble with death nor with life imprisonment. His custodial interrogation or detention is not required. Hence, his arrest is not mandatory. He is ready and willing to cooperate in the investigation and to furnish sufficient 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 at preliminary stage. if bail is granted to the accused, there is a likelihood of tampering with and destroying prosecution evidence, particularly, petitioner is likely to threaten complainant and her children. Accused No.2 is resident of Mumbai. Petitioner is likely to abscond with accused No.2 in far away States 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:

“Is the petitioner entitled
for anticipatory bail?”



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

REASONS

8. Petitioner claims to be a subscriber to the chit business being run by accused No.2. Matrimonial differences between the petitioner and complainant is stated to have triggered the allegations in the complaint.

9. Claim of chit business is canvassed at the time of hearing by the counsel. Thereby, it is clear that certain monetary transactions are taking place between petitioner and the accused No.2 herein. Such transactions by themselves are not sufficient to make out the allegations. Even if the allegations are true, the offences alleged are not punishable with death or life imprisonment. However, such allegations affecting the peace of the family cannot be overlooked. At this stage, there are no definite facts and the allegations and the counter one are to be examined.

10. The petitioner has come forward to abide by the conditions to be imposed when enlarging him on



bail. Hence, the petitioner is entitled to be released on bail subject to such conditions as will safeguard the interest of the prosecution.

11. 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.32/2026 of Udupi Women Police Station, he 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.
- (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) 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 2nd day of June, 2026)

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