

KAVP010028602026



Presented on : 04.05.2026
Registered on : 05.05.2026
Decided on : 02.06.2026
Duration : 27 Days

**IN THE COURT OF III ADDL.DISTRICT AND
SESSIONS JUDGE, VIJAYAPURA**

Present:Sri. Khadarsab Husensab Benakatti B.A.L.L.M
III Addl.District and Sessions Judge
Vijayapura

Dated this 02nd day of June 2026

Crl.Misc.No.478/2026

Petitioner:

Narayan S/o Laxman Naik @ Nayak,
Age: 40 years, Occ: Coolie.
R/o: Adarsh Nagar, Kashimkeri Tanda,
Tq/Dist: Vijayapura.

[By Sri.S.I. Kaladagi, Advocate]

V/s.

Respondents:

1. The State of Karnataka.
Through PSI Adarsh Nagar P.S.,

[By Learned Public Prosecutor]

2. Manjula W/o Hunnu Chavan,
Age: 41 years, Occ: H.H. work,
R/o: Kashimkeri Tanda,
Tq/Dist: Vijayapura.

[Absent]

ORDER

Petitioner filed bail petition U/Sec.482 of BNSS-2023 in connection with Adarsh Nagar P.S., Crime No.68/2026, for the offences punishable U/Sec.115(2), 118(1), 324(4), 74, 109(1), 352 and 351(2) of BNS-2023.

2. This bail application is moved by the petitioner through the counsel urging the divergent grounds herein.

3. Per contra, the notice has been duly served upon respondent No.2, but she remained absent. The learned Public Prosecutor appearing for the state resisted the bail application by filing the written objections contending inter-alia therein.

4. In view of the factual allegations and rival contentions urged by the parties, following point arises for my consideration and determination:-

Whether the petitioner has made out grounds for grant of anticipatory bail?

5. I have heard the arguments and given thoughtful consideration to the submissions and carefully perused the material on record.

6. My answer to the aforesaid point is in ***Affirmative*** for the following:

REASONS

7. In support of bail application, the learned counsel appearing for the petitioner submit that the petitioner is innocent. He is respectable law abiding citizen owning both movable and immovable properties at Adarsh Nagar, Vijayapura. He has not committed any of the alleged offences. He is only bread earning member of his family and having old age mother and father. The petitioner is ready and willing to abide by any conditions and to furnish the surety to the satisfaction of the court.

8. I have gone through the basic factual matrix of this prosecution case. It is alleged that, there is dispute between the complainant's family, accused and his wife regarding pledge the Mangal Sutra and paid the loan. On 26.04.2026 at about 8.30 p.m, when complainant and her family in the house accused came and asked them to send his wife; abused in filthy language; grabbed her hair and pulled; assault with stone; when her husband pacify the quarrel he also assault; squeeze her neck with an intention to kill her; left the place by throwing stone on window and gave life threat. Accordingly, she has lodged the complaint against the accused.

9. On perusal of material available on record it reveals that, no injury to the vital part of the complainant and no threat to the injured. There is a delay of one day in filing the complaint. The said delay has not been properly explained.

10. Further, it is alleged that accused, with an intention to commit murder of the complainant has squeeze her neck; assault and outraged modesty. The said facts are required to be established during the course of trial. At the touchstone of evidence, exhibiting participation and involvement of the petitioner in alleged crime.

11. It is to be noted that whether the offences alleged are committed by the accused or he is guilty, is matter of evidence. No overtact is attributed against the petitioner. Except offence U/Sec.74, 118(1) and 109(1) of BNS-2023, other offences are bailable in nature. Though said offences are non-bailable in nature, they are not exclusively punishable with death or imprisonment for life.

12. It is settled law that the accused is to be presumed as innocent until guilt is proved by the prosecution beyond all reasonable doubts in full-fledged trial by discharging its burden of proof until then, it is not

just and proper to put the accused in jail as a measurement of punishment in the pre-trial stage.

15. Admittedly, injured has suffered only simple injuries. At this stage, it cannot be concluded that the petitioner has been falsely implicated in the matter. It is not the contention of the prosecution that the petitioner is required for custodial interrogation. Looking to the nature of the allegations made against the petitioner, I am of the opinion that, he may be granted bail subject to conditions, which will take care of the apprehensions expressed by the learned Public Prosecutor that the petitioner may abscond or may tamper or threaten the prosecution witnesses.

16. Having regard to the given facts and circumstances of this case, I am of the considered opinion and inclined to hold that the applicant is deserved for the anticipatory bail. Accordingly, I answer above point in ***Affirmative*** and proceed to pass the following:

ORDER

The petition filed by the petitioner U/Sec.482 of BNSS-2023 is hereby allowed.

It is hereby directed that the petitioner shall be released on bail in the even of his arrest in Adarsh Nagar P.S. Crime No.68/2026 for the

offences punishable U/Sec.115(2), 118(1), 324(4), 74, 109(1), 352 and 351(2) of BNS-2023, on his execution of personal bond for a sum of Rs.1,00,000/- along-with one surety for the like sum to the satisfaction of appropriate Court, with following terms and conditions.

1. Petitioner shall report to the Investigating Officer of concerned Police Station once every month on the third Saturday between 10:00 a.m. to 12:00 p.m. for three months or as and when called;
2. Petitioner shall co-operate with the conduct of trial and attend the Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he do so, it will entitle the prosecution to apply for cancellation of this order;
3. Petitioner shall not influence with any of the witnesses or tamper with the evidence in any manner;
4. Petitioner shall keep the Investigating Officer informed of his current address and mobile/contact number and/or change of residence from time to time;
5. Any infraction of the above conditions shall entail cancellation of this order.

[Dictated to the Stenographer Grade-III, directly on computer corrected and then pronounced by me in the Open Court on this the 02nd day of June 2026]

[Khadarsab Husensab Benakatti]
III Addl.District & Sessions Judge
Vijayapura.

<><><>