

KAUKA30004762026



**IN THE COURT OF ADDL. DISTRICT & SESSIONS
JUDGE - FTSC - 1 U.K. KARWAR (SPECIAL COURT
FOR TRIAL OF CASES FILED UNDER POCSO) ACT
I/C I ADDL. DISTRICT & SESSIONS JUDGE,
U.K. KARWAR, SITTING AT SIRSI.**

DATED THIS THE 24th DAY OF JULY 2026

PRESENT

Smt.Pratibha B.Kulkarni,
B.A. LL.B.(Spl.),
Addl. District & Sessions Judge,
FTSC - 1 U.K., Karwar.
Special Court for trial of cases
filed under POCSO Act.
I/C. I Addl. District & Sessions
Judge, U.K.Karwar, Sitting at Sirsi

CRIMINAL MISC.NO.5185/2026

PETITIONER : Sunil S/o. Tulasidas Mirashi,
ACCUSED Aged 30 years, Occu: Business,
R/o: Varande Mainb Road Asu,
Near Ramling Temple Asu,
Tal: Joida, U.K – 581 129,
Aadhar No. 3476 5603 6052,
M.No. 8088522698.

(By Sri A.B.N., Advocate)

Vs.

RESPONDENT: The State of Karnataka
by P.S.I., Joida Police Station,
Represented by Public
Prosecutor, Yellapur.

(By learned Public Prosecutor)

**ORDERS ON BAIL APPLICATION MOVED BY THE
ACCUSED UNDER SECTION 483 OF B.N.S.S.**

The counsel Sri. A.B.N for the Petitioner /accused moved present petition U/Sec.483 of BNSS seeking to grant bail to the petitioner/accused.

2. In the petition it is submitted that based on the complaint of the complainant, the Joida Police have registered a case in their Police Station Crime No. 27/2026 against the accused for the offences punishable U/Section 78, 352, 351(2), 343, 108 of BNS. The complainant, in her complaint alleged that accused came in her contact since three years, he used to say that he loves her, she should marry him. Since 1 year he started to harass her saying if she does not love him, he will not leave them and destroy their reputation. Her parents also knew the harassment of the accused. When she was at Bengaluru, accused through phone call forced her to marry him. As per advice of her parents, she returned to her native on 7.6.2026. while returning so, when

she was at Kiruvatti Bus Stand, she made phone call to accused at 2 to 3 pm on 7.6.2026, accused harassed her as usual. Therefore consumed two tablets, which were in her bag, but she does not know the name of the tablets. Due to which she was having pain in stomach and omitting, her parents took her to hospital at Joida and later shifted to Karwar District Hospital. Hence, she filed complaint on 10.06.2026. However she died on 11.6.2026.

3. It is submitted that accused is in judicial custody since 12.06.2026. Since the date of first remand, the police have not sought the accused for police custody. Therefore accused is not required to the Investigation Officer for the purpose of investigation or interrogation. The petitioner is permanent resident of Joida Taluka, having good respect and strong roots in the society and he has not at all involved in any offences. He is innocent and has falsely been implicated in this case. Deceased might have committed suicide but, petitioner/accused is not responsible for it. He is no way connected with death of the deceased. The petitioner has not committed any offences as alleged. He is the law abiding person.

4. The offences alleged against the petitioner though non bailable and triable by Sessions Court, but are not punishable with death or life imprisonment. The petitioner is ready and willing to co-operate with trial and he will undertake that he will not hamper or tamper the prosecution witnesses and he will abide by the conditions going to be imposed by the Court. He is ready to give proper surety. Hence, prayed to grant bail to the petitioner/accused.

5. Learned Public Prosecutor has filed detailed objections to the bail application along with report of the Investigation Officer on the grounds that application filed U/Sec.483 of BNSS is not tenable, the grounds made out are not sufficient to enlarge the petitioner on bail, the complaint has been lodged against the accused for the offences punishable U/Sec 78, 352, 351(2), 108 of BNS. It is submitted that accused harassed the deceased, he is abettor. Because of his torture deceased committed suicide.

6. The offences alleged against accused are heinous in nature and triable by Session Court and if petitioner is released on bail, he may tamper the prosecution witnesses and materials. Further he may

abscond during trial. Accused is not entitled for bail. Accordingly prayed to reject the bail application of the petitioner.

7. I have heard learned counsel for the petitioner Sri. A.B.N and learned Public Prosecutor for the State on the bail application. I have perused the file and records.

8. The following points that would arise for my consideration and determination:

1. Whether accused is entitled for bail
U/Sec. 483 of BNSS ?

2. What order?

9. My findings to the above points are as under:

Point No.1: In the Affirmative.

Point No.2: As per final order for the
following:

REASONS

10. **POINT NO.1**:- Admittedly based on the first information of the complainant, a case is registered in Crime No.27/2026 of Joida Police Station against the accused for the offences punishable U/Sec. 78, 352,

351(2) of BNS and later Sec. 108 of BNS has been added.

11. The learned counsel for the petitioner argued that in the complaint there is no specific recital about when, where and what type of harassment. There is no direct nexus between the act of the accused and death of the deceased. Accused/petitioner is not responsible for the death of the deceased.

12. The learned Counsel further argued that though the alleged offences is triable by Sessions Court and non bailable in nature, but not punishable with life imprisonment or death penalty. The false case has been registered against the accused. The ingredients of abatement to suicide will not attract in the present case. Accused has not committed any offences alleged.

13. The learned counsel further argued that the petitioner is permanent resident of Joida Taluka. There is no chance of absconding by the accused. The accused is ready to abide by the conditions going to be imposed by the court, he is ready to appear before the Court and accordingly requested the court to grant bail to the petitioner by imposing stringent conditions.

14. Learned Public Prosecutor argued that complainant filed the complaint before the Joida Police station. There is prima facie case. The offences alleged against the accused are non-bailable in nature and triable by Sessions Court and if petitioner/ accused is released on bail, he may tamper the prosecution witnesses and threaten the prosecution witnesses. Hence, prayed to reject the petition.

15. Admittedly the alleged offences against the petitioner are punishable U/Sec. 78, 352, 351(2), 108 of B.N.S, which are non bailable in nature and triable by Court of Sessions. But the alleged offences is not punishable with death or life imprisonment. It is evident that the Investigation Officer arrested the accused/present petitioner and produced before the court and accused has been remanded to judicial custody. So accused is in judicial custody and he is not required for the Investigation Officer for the purpose of investigation or interrogation.

16. It is settled law that while granting or rejecting bail, the court is required to see that whether accused is required for further investigation and his presence could be secured at the time of trial. It is also settled law that at the time of entertaining bail application the

court need go in to the merits of the case. Pre-trial detention of the accused without any justifiable grounds is not required. It amounts to curtailing of his personal liberty.

17. As accused is ready to abide by the conditions going to be imposed by the court for enlarging him on bail and in view of the facts and circumstances of the case, I am of the opinion that accused may be released on bail by imposing stringent conditions, which may wash out apprehension of the prosecution. Hence, I answer above point No.1 in the Affirmative.

18. **POINT NO.2:-** In view of my findings to point No.1 and reasons stated therein, I proceed to pass the following:

ORDER

The bail application filed by the accused U/Section 483 of B.N.S.S. is allowed.

Accused/petitioner is enlarged on bail on executing personal bond for Rs.1,00,000/- with 2 sureties for the like

sum to the satisfaction of JMFC Court Dandeli on the following conditions:

1. The petitioner/Accused shall not tamper with the prosecution witnesses and material in any manner.
2. The petitioner/Accused shall not directly or indirectly make any threat or promise to any person who is acquainted with the facts of the case so as to deceive them from disclosing such facts to the court or to any Police Officer.
3. The petitioner/Accused shall not repeat similar offences.
4. The petitioner/Accused shall produce his I.D. proof and I.D. proof of his sureties before JMFC Court.
5. The petitioner/accused shall not leave the jurisdiction of the court without the permission of the court.

6. In case of violation of any of these conditions, the prosecution is at liberty to seek for cancellation of the bail of the petitioner/accused.

(Directly typed by me on computer, corrected, signed and then pronounced in the open court on this the 24th day of July 2026.)

(Pratibha B.Kulkarni)
Addl. District & Sessions Judge,
FTSC-1 U.K, Karwar
(Special Court for trial of cases
filed under POCSO Act),
I/c. I Addl. District & Sessions Judge,
U.K.Karwar, Sitting at Sirsi.