



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, U.K - KARWAR.**

Present:

Sri.PARAMESHWARA PRASANNA.B., *B.A. LL.B.*
Prl. District & Sessions Judge,
Karwar-U.K

Dated this the 11th day of August, 2026

Crl. Misc. No.344/2026

Petitioner : Manjunath Nagappa Naik,
Age: 48 years, Occ: Coolie,
R/o: Abbhihitlu, Belke,
Bhatkal Taluk, U.K.
(By Sri. J.P. Naik, Adv.)

// Vs. //

Respondent : The State,
Bhatkal Rural Police Station,
Represented by Public Prosecutor,
U.K. Karwar.
(By Public Prosecutor,
Prl. District & Sessions Court, Karwar)

ORDER

The present Bail Petition is filed by the Petitioner under Section 482 of BNSS for an Order of Anticipatory Bail in the event of his arrest in Crime No.188/2026 of the Respondent Police Station for the offences punishable under Sections

329(4), 74, 75, 115(2), 352, 351(2) read with Section 3(5) of BNS-2023.

2. In the Bail Petition it is contended that, the Petitioner is innocent and he has not committed any offences alleged in the FIR. The petitioner is having good reputation and strong roots in the society. The petitioner is permanent resident of his address shown in the cause title of the petition, as such he will not flee away from the justice in case of granting bail. The offences alleged against the petitioner are not exclusively punishable with death or imprisonment for life. The Petitioner by strongly apprehending his imminent arrest in Crime No.188/2026 of respondent police station has filed this Petition for anticipatory bail. The petitioner is ready to abide by any conditions that may be imposed by the Court and he is ready to give proper surety to ensure his regular attendance before the concerned Court and he is ready to co-operate with the I.O. for investigation. Inter-alia, on these grounds the Petitioner prays for allowing of the Bail Petition.

3. Whereas, the learned Public Prosecutor in her objection by reiterating the averments made in the FIR has contended that, the Petitioner has committed the offences

punishable under Sections 329(4), 74, 75, 115(2), 352, 351(2) read with Section 3(5) of BNS-2023. The IO has drawn spot mahazar and he has seized chudidhar top, which was worn by the complainant at the time of incident. Further, IO has recorded statement of witnesses. The wound certificate of complainant is yet to be collected. The evidence collected by the Investigating Officer so far and the statement of witnesses recorded by him prima-facie shows that the Petitioner has committed the alleged offences. The investigation is under progress. The custodial interrogation of the petitioner is required for fair investigation. If the Petitioner is released on bail, he may cause hindrance to the further investigation or he may threaten the prosecution witnesses or he may abscond by violating the bail conditions. Inter-alia, with these contentions, the Learned Public Prosecutor prays for rejecting of the Bail Petition.

4. Heard counsel for the Petitioner and learned PP. Perused the material on record.

5. On the basis of material on record, the following Points arise for my determination:-

1. Whether the Petitioner has made out sufficient or reasonable grounds to enlarge him on anticipatory bail under Section 482 of BNSS?
2. What Order?
6. My findings on the above Points are as follows:

Point No.1 : In the **Affirmative**,

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

REASONS

7. **Point No.1:-** The case was registered before the Respondent Police Station on 26/07/2026 in Crime No.188/2026 against the Accused No.1 and 2 for the offences punishable under Sections 329(4), 74, 75, 115(2), 352, 351(2) read with Section 3(5) of BNS-2023 on the basis of first information given by first informant Smt. Kamala Devadas Naik.

8. The sum and substance of the FIR is that, on 26/07/2026 at about 11-30 am., the Accused No.1 committed trespassed into the house of complainant and he told the complainant that her husband was spreading false rumors about him, hence he will finish off her husband and the

Accused No.1 by saying that complainant is very beautiful, touched the complainant's hand and body and thereafter the Accused No.1 grabbed the complainant's blouse, pulled her hand and forcibly pressed her waist and hand and he by pushing her against the wall attempted to outrage her modesty. Thereafter, the Accused No.1 threatened to beat and kill the complainant, her husband and her family members. On the same day, at about 12-30 pm., the Accused No.2 also arrived near the entrance gate of complainant's house and threatened to finish off the complainant and her family members. Hence, according to the complainant she was constrained to file the complaint against the Accused No.1 and 2. The Petitioner is arraigned as Accused No.1 in the FIR.

9. The offences in respect of which the petitioner seeks anticipatory bail are not exclusively punishable with extreme penalty of death or imprisonment for life.

10. Since the Petitioner has undertaken to co-operate with the I.O, during investigation, even if the Petitioner is granted with anticipatory bail, the I.O., can still hold investigation.

11. It is presumed that the Accused is innocent until the guilt is proved beyond all reasonable doubts, in full fledged trial by the prosecution. Until then it is not proper to put the Accused in jail as a measurement of pre-trial punishment.

12. It is settled position of law by the Catena of decision of Hon'ble Apex Court and various High Courts that the bail is the rule and jail is an exception and securing the presence of Accused for trial and protection of witnesses from tampering are main consideration at the stage of granting bail.

13. The Petitioner claims to be the permanent resident of his address shown in the cause title of the Bail petition. It is urged that the Petitioner is ready and willing to furnish surety to the satisfaction of this Court to ensure his attendance before the I.O and the Court and he is also ready to abide by any conditions imposed by Court. As such, possibility of the abscondance of Petitioner is too remote.

14. The apprehension and interest of the prosecution that the Petitioner may tamper with the prosecution witnesses or he may abscond can be taken care and safeguarded by imposing some suitable conditions. Hence by considering all

these aspects, I am of the opinion that the Petitioner is entitled for Bail and accordingly, I answer the above Point No.1 in the **‘Affirmative’**.

15. **Point No.2** :- In view of my findings on Point No.1, I proceed to pass the following;

O R D E R

The anticipatory Bail Petition filed by the Petitioner under Section 482 of BNSS is hereby ***allowed***.

The Respondent Police are hereby directed to release the Petitioner on anticipatory bail in the event of his arrest in Crime No.188/2026 on execution of his personal bond for Rs.1,00,000/- with one surety for the like sum subject to following conditions:-

1. The Petitioner shall execute personal bond for Rs.1,00,000/- with one surety for the like sum before the concerned Court within 25 days from the date of this order and after executing of personal bond and surety bond, the Petitioner shall regularly appear before the concerned Court on all hearing dates except, on unavoidable circumstances.
2. The Petitioner shall co-operate with the I.O during investigation.
3. The Petitioner shall not tamper with the prosecution evidence or influence the

prosecution witnesses directly or indirectly in any manner.

4. The Petitioner and his surety shall produce the authenticated documents of their address proof before concerned Court.
5. The Petitioner shall mark attendance before the Respondent PS once in fortnight in between 7-00 a.m. to 6.00 p.m, till filing of the charge sheet by the Respondent Police.

(Dictated to the Stenographer directly on system, corrected, signed and then pronounced by me in the open Court on this the 11th day of August, 2026)

(PARAMESHWARA PRASANNA B.)

Prl. District & Sessions Judge,
U.K-Karwar