



**IN THE COURT OF THE I ADDL. DISTRICT AND
SESSIONS JUDGE, KODAGU AT MADIKERI.**

-:PRESENT:-

**SMT. MAMTAZ, M.A.LL.B,PGDCA
I Addl.District & Sessions Judge,
Kodagu-Madikeri.**

Dated this the 3rd day of August, 2026

CRL.MISC.No: 258/2026

PETITIONER:-

Suresha P.S.

S/o Late Sridhara,
Aged 38 years,
R/o Yadru village,
Hanagallu Post,
Somwarpet Taluk,
Kodagu District.

(By **Sri. Manoj Y.Bopaiah,**
Advocate)

-VS-

RESPONDENT/S:-

The State of Karnataka,
by Somwarpet Police Station

(By learned **Public Prosecutor,**
Madikeri

ORDERS

The present petition is filed by the petitioner under section 482 of Bharatiya Nagarik Suraksha Samhita 2023 seeking the extraordinary discretionary

relief of Anticipatory bail in connection with the case registered by the respondent Somwarpet Police Station for the offences punishable under Section 108 and 77 of BNS 2023.

2. The brief factual matrix leading to filing of the present petition, as could be gathered from the records and averments made in the petition is that, the complainant's 36 years old daughter deceased Divya committed suicide on 07.07.2026 at her matrimonial house. On 10.07.2026, following the completion of the funeral rites, the complainant was informed by his son-in-law's elder brother Prakash that the accused had leaked and circulated the explicit photographs and videos of the deceased online. Upon coming to know that her sensitive media had gone viral, the deceased felt deeply humiliated and distressed regarding her character and reputation, which drove her to commit suicide. Thereby, the accused is alleged to have committed the aforesaid offences.

3. On the basis of the said facts the respondent Somawarpet Police Station filed Crime No.182/2026 for the aforesaid offences and initiated the investigation.

4. The learned counsel for the petitioner/accused submitted that deceased committed suicide at her matrimonial home and left behind no suicide note implicating the petitioner. It is contended that the essential ingredients to attract the offence under Section 108 of the BNS are completely absent in the present case.

5. The petitioner counsel further submitted that the investigating agency has failed to collect or record seizure of the alleged explicit photographs or videos. Nor have they investigated who captured, generated, or circulated them online. The prosecution records do not disclose which specific photographs or videos allegedly drove the deceased to commit suicide. Crucially it is submitted that there is no annexes between the petitioner and the deceased nor is there any forensic or documentary evidence linking the petitioner to the alleged media files.

6. Learned counsel for the petitioner further submitted that even in the complaint itself, the complainant has nowhere stated that the deceased and the accused were in contact with each other or that the accused used to visit her residence. In the absence of any alleged communication or personal proximity between the petitioner and the deceased no prima-facie case of instigation or abatement can be made out against the petitioner.

7. The petitioner's counsel has contended that the petitioner is not involved in this case and that the police have falsely implicated him to cause harassment. It was further argued that the respondent police are making every attempt to arrest the petitioner for his no fault and the petitioner is in apprehension of arrest by the hands of the police.

8. The petitioner's counsel further submitted that this case was falsely implicated without any prima-facie material solely to harass and humiliate the petitioner and also prays for the protection of their liberty.

9. It is pertinent to note that the present petitioner was neither present at the scene of occurrence nor did he commit any offence as alleged by the police. Being merely the registered owner of the jeep, the petitioner had no knowledge or awareness of the alleged incident.

10. The petitioner counsel has contended that petitioner is innocent, law abiding citizens and has been falsely implicated in the case. It is further contended that the complaint is baseless, concocted and unsupported by independent documentary materials. The petitioner further contends that no overt acts specifically attributed against him.

11. It is further contented that petitioner is permanent resident, having roots in the society, is a law-abiding citizen. The petitioner has undertaken to abide by all the conditions that may be imposed by this court and has also undertaken to appear before the court regularly on all future hearing dates.

12. Per contra, the Learned Public Prosecutor has filed objections contending that the allegations against the accused are grave and serious in nature. It is contended that during the course of the investigation, sufficient material has been collected disclosing the involvement of the accused in the alleged offence and further submitted that police have not completed the investigation and it is still under the investigation.

13. The prosecution has further contended that if the petitioner is enlarged on bail there is every likelihood of the threatening prosecution witnesses, tampering with prosecution evidence, absconding from the jurisdiction of the court and involving himself in similar offences.

14. It is also contended by the prosecution that release of the petitioner at this stage may adversely affect the trial and may create fear amongst the witnesses. Hence sought for rejection of the petition.

15. Heard and perused the materials available on record. The following points arise for consideration.

:- POINTS :-

1. Whether the petitioner has made out sufficient grounds for grant of bail under Section 482 of Bharatiya Nyaya Samhita 2023?

2. What order?

16. For the reasons stated hereinafter, my findings on the above points are as follows:-

Point No. 1 – In the “**Affirmative**”;
Point No. 2 – As per the final Order,
for the following:-

:- REASONS :-

17. **Point No. 1:** - At the outset, it is necessary to observe that the power to grant anticipatory bail is an extraordinary discretionary relief intended to safeguard the liberty of an individual against arbitrary arrest and humiliation. The settled principles governing grant of anticipatory bail have been repeatedly explained by the Hon'ble Supreme Court of India in catena of decisions.

18. The Hon'ble Supreme Court in **Gurubaksh Singh Sibbia Vs. State of Punjab** has authoritatively

held that the provision relating to anticipatory bail is a device to secure the individual's liberty and the same has to be interpreted in the light of Article 21 of the Constitution of India.

19. Similarly, in **Siddharam Satlingappa Mhetre Vs. State of Maharashtra**, the Hon'ble Supreme Court empathetically observed that arrest should be the last option and liberty of a citizen cannot be curtailed merely on the basis of allegations unless custodial interrogation becomes absolutely necessary indispensable.

20. Upon careful perusal of the complaint averments contained in the complaint, this Court observes that the allegations made by the prosecution on their face outline a serious case abatement to suicide against the deceased who was in her matrimonial home.

21. A plain reading of the complaint reveals that the incident occurred at the deceased's matrimonial home. Significantly, neither her husband nor any of her in-laws have lodged a complaint or alleged that there was any contact between the deceased and the petitioner, or that

the petitioner circulated her photographs or videos. Even her husband has not given any statement to the police or disclosed such facts to the complainant.

22. Furthermore, it is pertinent to note that the complainant has failed to produce any of the alleged photographs or videos to demonstrate that such content was published or circulated or that it caused humiliation driving the deceased to commit suicide out of fear of public exposure.

23. It is pertinent to note that after hearing the submissions of both the learned counsel for the petitioner/accused and the learned Public Prosecutor, this Court is of the considered opinion that there is no prima-facie material on record against the present petitioner to warrant the rejection of his bail application. The materials placed on record failed to establish a prima-facie case implicating the petitioner in the commission of the alleged offence so as to disentitle him to the relief of bail.

24. The veracity of the allegations, the credibility of the witnesses and the evaluation of the defence's claims are all essential features that fall strictly within the domain of the trial. Since these issues must be fully adjudicated during a regular trial, the continuous incarceration of the accused as a pre-trial punishment is unwarranted. At this stage, the court is not expected to conduct a mini trial or meticulously examine the truthfulness of rival claims. Consequently, the petitioner is entitled to be enlarged on bail.

25. The apprehension expressed by the prosecution regarding non-co-operation of the petitioner can adequately be safeguarded by imposing stringent conditions.

26. It is a well settled principle of criminal jurisdiction jurisprudence that grant of bail is the rule and rejection thereof is an exception. The object of bail is neither punitive nor preventive. The fundamental consideration before the court while considering a petition under Section 482 of Bharatiya Nagarika

Suraksha Samhita 2023 is whether the presence of the accused during the Investigation and trial can be secured by imposing reasonable conditions.

27. This Court is conscious of the fact that the allegations pertaining to an offence as stated above, which no doubt is a serious offence. However, gravity of offence alone cannot be the sole ground for rejecting the bail. Anticipatory bail cannot be denied as a matter of punishment before conviction. Thus it is crystal clear that no custodial interrogation is required for the investigation of the present case and stringent conditions may be imposed for the co operation to the investigation.

28. The constitutional mandate embodied under Article 21 of the Constitution protects the liberty of every individual and such liberty cannot be curtailed mechanically. An accused is presumed to be innocent until proven guilty in a full-fledged trial before the competent court.

29. In the present case, the prosecution materials placed at this stage do not disclose any specific overtake distinctly attributable to the petitioner.

30. The apprehension expressed by the prosecution that the petitioner may abscond or tamper with prosecution witnesses, can be adequately safeguarded by imposing stringent conditions. Mere apprehension without substantial supporting material cannot be a ground to deny liberty to the accused indefinitely.

31. The prosecution has not placed any convincing material before this court to demonstrate that the petitioner have attempted to tamper with witnesses or obstructed the investigation during the pendency of the proceedings.

32. The petitioner has expressed willingness to abide by any conditions imposed by this Court and to furnish solvent sureties to the satisfaction of the Court. The said undertaking deserves consideration.

33. The court is also required to maintain a delicate balance between the interest of society and the fundamental rights of the accused. Bail jurisprudence requires humane and balanced judicial discretion rather than mechanical denial of liberty.

34. The Hon'ble Apex Court has repeatedly observed that detention before conviction should not assume the character of pre-trial punishment. Unless there exist compelling circumstances showing likelihood of absconding, tampering of evidence or repetition of offence, liberty of the individual deserves protection.

35. It is pertinent to note that as per the petitioner, he is permanent resident having roots in the society thereby reducing the likelihood of absconding. It is to be emphasized that unnecessary arrest and detention must be avoided, particularly when the presence of the accused can be secured through conditions.

36. The principle of presumption of innocence operates in favour of the petitioner until proven guilty

and pretrial incarceration should not assume the character of punishment.

37. Having regard to the nature of allegations, investigation, absence of requirement of custodial interrogation and the settled principles governing grant of anticipatory bail, this Court is of the considered opinion that the petitioner has made out sufficient grounds for grant of anticipatory bail subject to stringent conditions safeguarding the interest of the trial. Accordingly, the point for consideration is answered in the “**affirmative**”.

38. **Point No.2**: In view of the reasons assigned above and findings arrived at on point No.1, I proceed to pass the following:

: ORDER :-

The petition filed by the **petitioner** under Section **482 of Bharatiya Nagarika Suraksha Samhita 2023** is hereby **allowed**.

Consequently, in the event of arrest of **petitioner** in **Crime No. 182/2026** of **Somawarpet Police Station** under Sections **108 and 77 of BNS**, the petitioner shall be released on bail anticipatory bail subject to the following conditions:

- (a) The petitioner shall execute a personal bond for a sum of ₹2,00,000/- with one surety for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall voluntarily appear before the Investigating Officer within 15 days from the date of receipt of certified copy of this order and shall cooperate with the investigation.
- (c) The petitioner shall appear before the Investigating Officer as and when called for the purpose of investigation.
- (d) The petitioner shall furnish proof of their residential address and mobile number to the Investigating Officer and shall intimate any change thereof forthwith.

- (e) The petitioner shall not directly or indirectly threaten, induce or allure any of the prosecution witnesses.
- (f) The petitioner shall not tamper with prosecution evidence in any manner.
- (g) The petitioner shall appear before the trial Court on all hearing dates without fail unless exempted for valid reasons.
- (h) The petitioner shall not leave the jurisdiction of the trial Court without prior permission.
- (i) The petitioner shall not involve himself in similar criminal activities.
- (j) In the event of violation of any of the above conditions, the prosecution is at liberty to seek cancellation of the bail in accordance with law.

(Dictated to the Stenographer Grade-III, directly on the Computer, corrected, signed and then pronounced by me in the open Court, dated this the **03rd** day of **August 2026**)

Sd/-xxx
(MAMTAZ)

I Addl. District and Sessions Judge,
Kodagu-Madikeri.