

ORDER ON BAIL APPLICATION

The accused has filed bail application U/Sec.483 of BNSS. It is contested by the learned Public Prosecutor by filing his objection statement. I have heard Sri. SDM advocate for the accused and learned in-charge Public Prosecutor for the State. Perused the case file. Now the following points would arise for my consideration:

1. *Whether the accused is entitled for regular bail as prayed for?*
2. *What Order?*

2. On going through the case file and submission canvassed by both side, my findings on the above points are as under :-

Point No.1 – In the Affirmative,

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

REASONS

3. **Point No.1:-** The charge-sheet filed by Hosadurga Police in Cr.No.342/2024 reveals that on 28.07.2024 at about 10.30 p.m., in A.K. Colony, Chamarajapete of Hosadurga town this accused having picked up quarrel with CW.1, abused her in vulgar language and by slapping her and also by fisting on her back, when she tried to escape from his hands, by taking out a chopper lying there, with an intention to

kill her, he gave blows on her left knee and right hand finger and thereby caused simple injuries to her. Therefore upon having held investigation, the concerned police have filed charge-sheet against him for the offences punishable U/Ss.352, 115(2), 118(1) & 109 of BNS.

4. The case file shows that when this accused filed petition U/Sec.483 of BNSS during crime stage as he was taken in to custody and produced before the jurisdictional court, II Addl. District & Sessions Judge, Chitradurga granted bail to him in Crl.Mis.No. 1545/2024 vide its order dated 19.12.2024 and pursuant to it, he was released on bail by accepting the surety on 20.12.2024. However as he did not attend the court on 27.02.2025 and as there was no representation on his behalf nor any exemption petition was filed on his behalf, NBW was issued against him with a notice to his surety and on 13.05.2025 the surety by name Rangappa. H.Y. S/o Yalavappa appeared and sought for his discharge, at the same time, this accused was also produced by the concerned police by executing the NBW. Thus this accused was again taken to custody and was remanded.

5. In the petition, again re-iterating that he has not committed any offence as alleged against him and

the allegations made against him are all false; that he has old aged parents and two children to take care of; that he belongs to a respectable family, owning movable and immovable properties at the address shown in the cause-title; that the offences alleged against him are not punishable with death or life imprisonment and investigation is already completed and charge-sheet is filed and he is no longer required for custodial interrogation, he prays to release him on bail.

6. On the other hand the prosecution objects the petition by stating that since grave allegations are levelled against him and filing of charge-sheet further affirms the same and once he was let on bail and he having jumped the same and it is not proper to release him on bail and in the event if he is let on bail, he may tamper its evidence and threaten its witnesses and may again abscond from the jurisdiction of the court and thereby delay the trial, it seeks to reject his petition.

7. In this regard, on going through the case file, I do find that as noted above previously this accused was released on bail by accepting surety, but because of his failure to attend the court on 27.02.2025, NBW was issued against him with a notice to his surety and his said surety having withdrawn his surety-ship,

reveals that the accused has no seriousness in attending the court proceedings and facing the trial.

8. Yet considering the nature of the offences levelled against him and also that they are not punishable with death or life imprisonment, I would like to give him one more chance with a condition to attend the proceedings regularly and to face the trial without any absence. Since already his bail bond is forfeited, he has to pay penalty amount and it necessitates me to impose stringent conditions against him. Thus I am inclined to admit him to bail and accordingly I answer this point in the affirmative.

9. Point No.2:- In view of my above findings, I proceed to pass following:

ORDER

Petition filed U/Sec.483 of BNSS is allowed on his executing personal bond in a sum of Rs.1,00,000/- with one surety for the likesum subject to the following conditions;

1.Accused shall furnish his mobile and Whats App number, email ID (if any) and photocopy of Aadhaar card of himself and his surety, along with his contact number as per Circular at HCC No.48/2012 dated 30.06.2025 of our Hon'ble High Court of Karnataka.

2. The accused shall regularly attend the court proceedings unless he is exempted from.

3. The accused shall not tamper the prosecution evidence nor threaten the prosecution witnesses.

4. In view of forfeiting of his earlier bail bond, he shall pay fine of Rs.5,000/- and balance amount is remitted and after payment of fine he shall be released.

(Ron Vasudev)

Prl. District & Sessions Judge,
Chitradurga.