

**ORDERS ON APPLICATION FILED FOR RELAXATION OF  
BAIL CONDITION**

**ORDER**

The counsel for accused has filed the above application seeking for relaxation of bail condition. The counsel for accused has sought to relax the condition as to furnishing of two sureties which was imposed by this court while granting bail to the accused vide order dated 21.11.2025.

2. Further, the counsel for accused has specifically prayed to modify the bail condition and allow the accused to be released by executing his personal bond.

3. Per contra, the Learned APP has filed objections to the said application. The learned APP has contended that the above accused was arrayed as accused No.1 in C.C. 238/2018 on the file of this Court. The said accused was released on bail vide order dated 25.01.2019 and at that time two sureties were furnished by this accused. Thereupon the accused had remained absent as such NBW was issued against the accused. But it was unexecuted and the presence of the above accused was not secured by the police within a reasonable time. As such the above split up case is registered against the above accused. Even then the police were unable to execute the NBW against the accused within reasonable time and as such proclamation and attachment warrant was issued against the accused under Section 82 and 83 of Cr.P.C.

4. Thereupon the Court has posted the matter for recording of the evidence of charge sheet witnesses under Section 299 of Cr.P.C.

5. Further, the learned APP has also submitted that C.C. No. 1494/2018 was registered against the accused for the offence punishable under Sec. 380 of IPC on the file of Jurisdictional Kundapura Court, C.C. No. 27/2018 was registered against the accused for the offence punishable under Sec. 380 of IPC on the file of Jurisdictional Mudhola Court, As such learned APP submitted that the above accused is a habitual

offender and if the said accused is released on bail by relaxing the conditions of the bail order dated 21.11.2025, it would be very difficult to secure his presence before the Court. As such prayed to dismiss the application. Further submitted that even if the condition to furnish two sureties by the accused as per the said bail conditions is relaxed, insisted to impose cash security as per Section 445 of Cr.P.C to ensure his presence before the Court for trial.

6. Heard both the counsels. Perused the records available.

7. The points that arise for the consideration are :-

1. Whether the accused has made out grounds for relaxation of condition No.1 in the above case vide order dated 21.11.2025?
2. What order?

8. The findings of this Court on the above points are as follows:-

Point No.1:- In Partly Affirmative.

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

### **REASONS**

9. **Point No.1:** The above split up CC is registered against the accused for the offence punishable under Section 380 of IPC as his presence was unable to be secured before this Court in C.C. No. 238/2018 on the file of this Court.

10. The accused in the above case was produced before the Court by execution of NBW issued against him on 07.11.2025 by the complainant police. Thereafter the bail has been granted to the above accused vide order dated 21.11.2025 with conditions therein.

The condition No.1 reads as follows;

1. That the accused person shall execute personal bond for sum of Rs.25,000/- with two sureties for likesum.

11. Now, the accused has filed the above application seeking for relaxation of the above condition and further sought for that the accused shall be released on execution of his self bond.

12. The learned APP on the other hand has submitted her strong objections and argued that the original criminal case No. 238/2018 is already seven year old matter. As the above accused failed to appear before the Court even after the grant of bail in that the above split up C.C. is came to be registered.

13. There are other criminal cases registered against the accused herein for the similar offence punishable under Section 380 of IPC as per their present information.

14. Of course, the Learned APP has strongly expressed the apprehension as to the non appearance of accused if the bail condition is relaxed. The admitted fact is the accused has already been granted bail by this Court. At this juncture this Court has also carefully gone through with the ratio and the guidelines issued by the Hon'ble Apex Court in *Satender Kumar Antil vs Central Bureau Of Investigation* reported in (2022) 10 SCC 51. The Hon'ble Apex court in the judgment mentioned supra has explained the scope of provisions under Sections 41, 41(A), 167, 170, 82 and 83 of Cr.P.C. along with the other relevant provisions. Further the The Hon'ble Apex court has also explained the importance and scope of the liberty of an individual as enshrined in the Constitution of India as a fundamental right. Further the Hon'ble Apex court has also explained the certain facts and circumstances wherein the trial Courts have to consider the bail application and also the conditions imposed while granting the bail. Upon careful perusal of the said judgment mentioned supra, the Hon'ble Apex Court has specifically held that the Court has to keep the liberty of the accused on the one hand and the interest of the society on the other hand. Further the Hon'ble Apex Court has also given the guiding factors to be consider pertaining to the under trial prisoner who is in custody for more than the period for which the court can impose punishment after the conclusion of the trial. Further the Hon'ble Apex Court has also laid down that the grass roots of the accused, the background of the accused,

nature of the case, possibility of the conviction in the given facts and circumstances etc, are the factors to be considered at the time of deciding the bail application.

15. The alleged offences against the accused in the above case is punishable under Section 380 of IPC which is punishable for imprisonment which may extend to 7 years. Further, the Learned counsel for Accused vehemently contended that the accused No.2 in C.C. 238/2018 is already acquitted and it is not in dispute. Further it is relevant to refer the provision under Section 445 of Cr.PC. Which reads as follows;

S. 445 Deposit instead of recognizance

When any person is required by any Court or officer to execute a bond with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court of officer may if in lieu of executing such bond.

16. Upon looking into the provision under Section 445 of Cr.P.C it authorises the Court to impose for deposit of cash security for the purposes of ensuring the presence of accused in lieu of execution of bond.

17. As rightly pointed out by the learned APP and also the submissions of counsel for Accused and on perusal of the facts and circumstanced of the above case as discussed above if the accused is released on bail by modification of the condition No.1 of bail order dated 21.11.2025 by imposing the condition to deposit cash surety as per section 445 of Cr.P.C the apprehension expressed by the learned APP could be meted out and also the liberty of the accused person could also be addressed. Accordingly, the application filed by the accused deserves to be partly allowed. Hence, **Point No.1** is answered in **Partly Affirmative**.

18. **Point No.2:** Accordingly, this Court proceeds to pass the following:

**ORDER**

The application filed by the accused for relaxation of bail condition No.1 vide order dated

21.11.2025 is partly allowed and the modified condition is as follows;

The accused shall persons shall execute personal bond for sum of Rs.25,000/- and the accused shall deposit a cash security of Rs.8,000/- to the State in lieu of executing the personal bond of accused as per Section 445 of Cr.P.C.

The office is hereby directed to intimate the accused of the above order through E-mail expeditiously through the concerned jail authority.

Call on 03.01.2026.

Sd/-

C.J. and JMFC, Sringeri.