

KADK010004372021



Presented on : 29-01-2021
Registered on : 29-01-2021
Decided on : 17-07-2025
Duration : Year Month Day
04 05 19

**In the Court of III Additional District and Sessions Judge, D.K.,
Mangaluru.**

Present:- **Smt. Sunitha S.G.**, B.Sc., LL.B.,
III Additional District and Sessions Judge,
D.K., Mangaluru.

Dated: - This the **17th day of July, 2025.**

SC/12/2021

Complainant: The State,
by Konaje Police Station,
represented by Public Prosecutor,
D.K. Mangaluru.

(By learned Public Prosecutor)

Versus

Accused: A-4 Mr. Achu @ Hasan @ Hasanabba,
Aged 31 years,
S/o. Hamza,
R/at 5-21(2), Kuchigudde House,
Mangalanthi Post,
Manjanady Village,
Mangaluru, D.K.

(By Sri.Mohammad Ansar M, Advocate)

ORDER ON BAIL APPLICATION

This application is filed by the accused No.4 under Section 439 of the Criminal Procedure Code, seeking for bail in connection with S.C. No.12/2021 (in Crime No.174/2018 of Konaje Police Station) for the offence punishable under Sections 417, 450, 392, 397, 109, 342, 411, 414, 120B read with 34 of IPC.

2. The brief facts of the prosecution case are that on 20-08-2018, at about 9-30 A.M. while the complainant was alone in the house situated at Urumane Marati Moole, Manjanady Village, Mangaluru Taluk, the accused Nos.1 to 4 joined together and conspired with each other for the purpose of robbing the complainant. Further the accused No.4 was giving information to accused No.3 about the movements of the complainant, in turn accused No.3 has given the information to accused Nos.1 and 2. In that context, the accused Nos.1 and 2 disguised themselves with Burkha entered the house of the complainant and caused injuries to the complainant with screw driver and robbed the gold ornaments worth Rs. 3,30,000/- and a Rado Watch worth

Rs. 10,000/- and thereafter ran away from the spot by locking the complainant in the dining room. Thereafter the accused No.1 took the help of accused No.5 his mother for the purpose of selling the said gold articles. Thereafter accused No.5 went to accused No.6 and sold the same for a sum of Rs. 3,00,000/-.

On the basis of the complaint, Konaje Police have registered a case in Crime No.174/2018 for the offences punishable under Sections 417, 450, 392, 397, 109, 342, 411, 414, 120B read with 34 of IPC. Thereafter, the Investigating Officer has filed charge sheet against Accused persons for the aforesaid offences. The case is registered as CC No.618/2019.

3. Thereafter, case was committed to the Sessions Court against Accused. The said case is registered as SC No.12/2021 Then the accused has filed the bail application.

4. The accused has now sought for bail on the ground that he is innocent of the offences alleged against him. There is absolutely no nexus between him and the crime alleged in the above case. Nothing has been seized or recovered from the above

accused, The circumstances and facts leading to the above case have not changed. Further the investigation has been completed. He is ready and willing to abide by any conditions that may be imposed by the Court and furnish solvent surety for his release on bail. He undertakes to be very regular before this Court in future hearing dates and co-operate for the speedy disposal of the case. On the above grounds, he has prayed to enlarge him on bail.

5. Per contra, the learned Public Prosecutor has filed his objection statement narrating the gist of the prosecution case. He has strongly opposed the bail application on the grounds that the offences alleged are heinous in nature and there are serious allegations against the accused and filing of the charge sheet strengthen the case. The accused has committed the alleged offence. On 14.06.2023 his surety was discharged and court has passed order to furnish fresh surety. He has failed to comply the same and was absconding. Hence, if accused is released on bail, there are chances of the accused committing similar offences, tampering of witnesses and absconding. On these grounds, the

learned Public Prosecutor has prayed for rejection of the bail application.

6. Heard both sides. I have carefully perused the entire materials on record. The learned counsel for the accused has furnished the Medical Certificate of the mother of the accused issued by Shaafi Health Care, Deralakatte.

7. Based on the above, the following points that arise for my consideration are:

- 1) Whether the accused is entitled for regular bail?
- 2) What Order?

8. Now my findings to the above said points are as follows:

Point No.1 : In the Affirmative

Point No.2 : As per final order.

for the following:

REASONS

9. **Point No.1**: On perusal of the materials on record, it is needless to say that, inspite of complying the court order dated 09.05.2023 to furnish fresh surety this petitioner had absconded and LOC was also issued. He was secured on 28.06.2025 and has come up with the present application undertaking to strictly adhere to the bail conditions.

Also furnished the Medical Certificate of mother of the accused which reflect's, she is having severe low back ache and advised to take strict bed rest for 3 days.

10. For the above discussion and as the apprehension of the prosecution that he would abscond, that if he is released on bail, there are chances of him to commit similar offences can be met by imposing further stringent conditions. I am of the opinion that the accused has made out a case to allow the application. Accordingly, Point No.1 is answered in the *Affirmative*.

11. **Point No.2**: In view of my answer to Point No.1 in the Affirmative and for the reasons stated above, this Court proceed to pass the following:

ORDER

The bail application filed by the accused No.4 under Section 439 of Cr.P.C, is hereby allowed.

He is ordered to be released on bail in connection with C.C. No.618/2019 (in Crime No.174/2018 of Konaje Police Station) on executing a personal bond for a sum of ₹.1,00,000/- with one surety for the like-sum, subject to the following conditions:

1. He shall not indulge in commission of any similar offences.
2. He shall not tamper or threaten the prosecution witnesses.
3. He shall regularly appear before the Court on all hearing dates without fail.

4. He shall surrender his passport before the court.

5. He shall not leave the jurisdiction of the court with prior permission.

If any one of the conditions is violated, the bail is liable to be canceled.

(Typed by the Stenographer Gr-I to the dictation, the transcript corrected and signed by me and then pronounced in the open court on this the 17th day of July, 2025.)

(Sunitha S.G.)

III Addl. District & Sessions Judge,
D.K., Mangaluru.