

KADK010020942026



Presented on : 12-05-2026
Registered on : 12-05-2026
Decided on : 29-05-2026
Duration : 17 days

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE, D.K., MANGALURU

Present:

Sri. Maanu K S, B.Sc., LL.B., M.B.L.
C/c of Prl.District & Sessions Judge,
D.K., Mangaluru.

Dated this 29th day of May, 2026

SPECIAL CASE No.85/2026

Complainant : The State of Karnataka
By Vittla PS

(By Learned Public Prosecutor)

Versus

Accused : Siddiq
S/o P.K.Ibrahim
Aged about 57 years,
R/at Vijayadka Post
Karopadi Village,
Bantwal Taluk.

(By Sri. B.A.B., Adv.,)

ORDER

The accused has filed this bail application under Sec.483 of B.N.S.S., to enlarge him on regular bail for the offences punishable U/Sec.5 of Motor Spirit and High Speed Diesel(Prevention of Malpractices in supply and Distribution) 1990 r/w Section 3 and 7 of Essential Commodities Act for the reasons stated therein.

2. The learned PP has filed a detailed objection statement along with the report submitted by I.O. reiterating the averments made in charge sheet and its enclosures and prayed to reject the bail application.

3. Heard the arguments.

4. The following point arise for my consideration :

1. Whether the accused/petitioner has made out grounds for his enlargement on regular bail?

5. My answer to point No.1 is in the affirmative for the following:

REASONS

6. **Point No.1:** As per charge sheet and its enclosures available on record, it is the case of the complainant that, way back in the year 1992 on 14.10.1992 while the PSI of complainant police and his

staff were on patrolling duty near Kekke Puni Chavadu village of Bantwal Taluk, they noticed a car moving at high speed in suspicious manner and when they attempted to stop the same, the driver failed to obey the same and to stop the said car bearing Reg.No.MRA 8676 and when they chased down and after overtaking the same they intercepted it, the driver and another person of the said car fled away in the dark by stopping the said car there itself and when they inspected the said car, they found two cans of 35 liters each of petrol in the front seat, 8 cans of 35 liters each in the rear portion of the said car and 5 cans of 35 liters each with one small can of 20 liter capacity in the Dicky and in total, approximately 455 liters of petrol worth about Rs.8,330/- was found. As such the above said case was registered against the accused persons for the aforesaid offences and when the matter was at crime stage, the accused persons were arrested and remanded to judicial custody. Later accused No.1 herein had obtained bail and was released subject to execution of personal bond for a sum of Rs.5,000/- with one surety by bail order dated 22.3.1993. However after completion of investigation and submission of charge sheet when the summons was issued, both the accused persons could not be secured and as such LPC case was registered long back on 24.11.1998 against both accused persons. After lapse of more than 34 years, the accused No.1 herein came to be secured and he was arrested and produced on 11.5.2026 and was

remanded to judicial custody. Ever since the said date being in judicial custody, now the accused has came up with the above application for grant of regular bail.

7. A perusal of the charge sheet and its enclosures of course prima-facie discloses the commission of the alleged offences by the accused herein and there are sufficient materials placed before this court to proceed with the trial.

8. On perusal of the nature and gravity of the alleged offences would disclose that the offence punishable U/s. 7 of Essential Commodities Act attracts imprisonment up to 7 years and shall also be liable to fine and the same is non-bailable. However considering the merits of the case this court had already once granted bail to the accused and since the accused remained absconding for all these 34 years and was secured by executing a non-bailable warrant issued against him, the learned P.P. has strongly objected for grant of bail to the accused on the ground that he may again abscond from the jurisdiction of this court as he is working abroad.

9. However it is the case of the counsel for the accused that he was not aware of the pendency of the above case as no summons was served on him nor any warrants were executed against him till recent past and he

was all along residing in Gulf Countries working for his livelihood and he had also undergone heart surgery twice and stunts were implanted and as such accused needs constant medical support which he cannot secure in the prison and that accused is prepared to surrender his passport and to give an undertaking that he will co-operate with this court in conclusion of the trial at the earliest and as such he prayed to allow the bail application.

10. In support of the said arguments, he has also furnished medical records pertaining to accused issued by Unity Hospital, Gulf Asian Medical Center and various other hospitals which clearly shows that the accused had undergone heart surgery and stunts were implanted and that he is also suffering from Type-2 diabetic mellitus since 15 years and as such he needs constant medical support. That apart the offences involved are not punishable with imprisonment for life or death and considering the age of the accused and also the undertaking given by him, this court is of the opinion that one opportunity has to be given to the accused by enlarging him on regular bail by imposing stringent conditions regarding his regular attendance before this court until completion of the trial and by doing so no hardship or injury will be caused to the prosecution. Hence at this stage this court is of the opinion that the accused has made out sufficient grounds to enlarge him on regular bail.

11. So far as the apprehensions of learned P.P. regarding the accused hampering investigation, tampering the prosecution witnesses and evidences, absconding from jurisdiction of this court and delaying the trial etc., are concerned, the same could be regulated by imposing reasonable conditions on the accused while enlarging him on bail. Hence, with this observation, I proceed to answer point No.1 in the affirmative.

12. In view of my answer to the above point in the affirmative, I proceed to pass the following:

ORDER

The application filed by the accused/petitioner under Sec.483 of B.N.S.S. is hereby allowed. He is enlarged on bail on his executing personal bond for a sum of Rs.75,000/- (Rupees seventy five thousand) with two local sureties for the like sum subject to the following:

Conditions

1. The accused shall ensure his regular appearance before this court on all hearing dates to face the trial without any fail.
2. He shall not tamper prosecution witnesses or evidences in any manner.
3. He shall not indulge in commission of similar types of offences in future.

4. He shall pay a fine of Rs.5,000/-being the forfeited bail bond amount.

5. He shall not leave the country without prior permission of this court till the conclusion of the trial of the case and surrender his passport at the time of furnishing surety itself.

6. He shall furnish his residential address proof document, mobile number, Whatsapp number, E-mail ID (if available) to enable him to be contacted. He is directed not to change any of the above until completion of trial without prior information to this court or to the complainant police.

Violation of any of the terms and conditions would entail the prosecution to take steps for cancellation of the bail at any stage of proceedings.

(Dictated to the Stenographer Grade-I, transcribed by her, revised, corrected, signed and then pronounced by me in the Open court, on this the 29th day of May, 2026.)

(MAANU K S)

**C/c of Prl.District & Sessions Judge,
D.K., Mangaluru.**