

**IN THE COURT OF THE II ADDL. DISTRICT & SESSIONS
JUDGE D.K., MANGALURU**

Present

SRI. JAGADEESH V.N.

B.A., M.L.,

II Addl. District & Sessions Judge,
Dakshina Kannada, Mangaluru

Dated this the 27th day of June 2026

SC/79/2026

Complainant:

The State – through
Police Inspector,
Surathkal Police Station, D.K.

(Rep. by learned Public Prosecutor,
D.K., Mangaluru)

Versus

Accused No.2:

Shakib @ Shabbu,
S/o. Sulaiman,
Aged 33 years
R/at House No.2-T-184,
G Fathima House, near Edga,
2nd Block, Katipalla village,
Mangaluru Taluk, D.K. District.

(By Sri V.S.L., Advocate)

**ORDER ON BAIL APPLICATION FILED UNDER SECTION
483 OF B.N.S.S.**

The accused No.2 has filed bail application under section 483 of B.N.S.S. seeking grant of bail in Crime No.20/2021 of Surathkal Police Station, registered for the offences punishable under Sections 504, 326, 307, 506, 120(B) and 212 r/w Section 34 of IPC.

2. The charge-sheet material indicates accused No.1 had grudge against CW.2, with respect to murder of Deepak at Katipalla and CW.2 also gave life threat to accused No.1 in the Court and further when accused No.2 was in jail, CW.2 distanced wife of accused No.2 from him by wandering with her and further CW.2 assaulted the associate of accused No.2 and when accused No.2 questioned CW.2 in this regard, CW.2 gave life threat and hence accused No.2 along with accused No.1 developed grudge against CW.2 and when such being the case on 08.02.2021 in the evening on the lawn of the cricket ground of Katla Colony in Katipalla Village, 7th Block, Katipalla, accused No.2 along with accused Nos.1, 3 to 6, 8 and 9 conspired and decided to commit the murder of CW.2. As per conspiracy, on 10.02.2021 at about 5.30 p.m. when CW.1 and 2 were at the end of the layout near Tiktak Garden in 2nd Block of Katipalla village by parking Two-wheeler bearing Reg.No.KA-19-HE-3460 and while CW.2 was

urinating, accused No.2 along with accused Nos.1, 3 and 4 with their common intention to commit the murder of CW.2 by holding deadly weapons knife, sickle, dragon knife came there in the Car bearing Reg.No.KA-19-MK-6568, accused No.2 by holding dragon knife in his hand showed CW.2 to other accused and abused CW.2 in abusive language and on hearing the same, when CW.2 ran away from the place, accused No.2 threw dragon knife on CW.2 to commit his murder, accused No.4 threw sickle on the head of CW.2 and when CW.2 fell on the ground, accused No.1 picked up a long which was fell on the ground from the hand of CW.2 and assaulted on the head of CW.2 with the said long and accused No.3 stabbed CW.2 with knife and accused No.2 also stabbed on the back of CW.2 with knife and when CW.2 escaped, ran and fell on the ground, accused Nos.3 and 4 tightly held CW.2 and at that time, accused No.1 assaulted on the hands and fingers of CW.2 and attempted to commit his murder and when CW.1 raised scream, CW.3 to 6 pelted stone on accused No.2 and other accused.

3. Based on the complaint lodged by the complainant, a case was registered and investigation was ensued. After investigation, the investigation agency has submitted charge-sheet.

4. It is submitted by learned counsel for the accused that he was under body warrant for long time, subsequently he was released on bail, since he had no proper instructions about the case details, he could not appear before the court, hence warrant was issued against him. Subsequently, he was arrested in some other case and he was under body warrant. Then he was released on bail, then warrant was once again issued and he was arrested. The non-appearance before the court was not intentional and due to the reasons aforesaid. Hence, he seeks to enlarge the accused on bail.

5. Learned Public Prosecutor has filed objections. It is contended by learned Public Prosecutor that accused is a habitual offender. Several cases are registered against him. In various cases, he has been absconding for long time. The police have secured his presence after making severe efforts. If he is released on bail, it is very difficult to secure his presence. Hence, she seeks to reject the bail application.

6. Heard both side.

7. Having heard, counsel for accused and learned Public Prosecutor for State and on perusal of material placed on records, the following points that arise for my consideration;

1. Whether accused No.2 has made out satisfactory grounds for enlarging him on bail?

2. What order?

8. My findings to the above points are as follows;

Point No.1:- Negative

Point No.2:- As per the final order,
on the following reason;

REASONS

9. **Point No.1**: The material placed on record indicates accused No.2 and other accused persons conspired and assaulted CW.2. The material placed on record indicates a case was registered against the accused in the year 2021. The order-sheet of the committal court and this court indicate he has been absconding since considerable time. Since he has been absconding, the case against him was split-up and case against other accused was committed to this court and S.C. No.48/2023 was registered. Committal court order sheet indicates, thereafter, his presence was secured, again he absconded, he was produced under body warrant, he was released in another case and again he was absconded, after securing his presence, now case is committed. The material placed on record indicates following cases are registered against the accused No.2:-

1) Crime No.304/2013 of Surathkal police station was registered for the offence punishable under Section 457, 380 of IPC.

2) Crime No.285/2014 of Surathkal police station was registered for the offence punishable under Section 324, 307 r/w Section 34 of IPC.

3) Crime No.235/2013 of Surathkal police station was registered for the offence punishable under Section 379 of IPC.

4) Crime No.252/2013 of Surathkal police station was registered for the offence punishable under Section 379 of IPC.

5) Crime No.70/2023 of Surathkal police station was registered for the offence punishable under Section 8(c) 22(c) of Narcotic Drugs and Psychotropic Substances Act r/w Section 34 of IPC.

6) Crime No.75/2025 of Surathkal police station was registered for the offence punishable under Section 269 of BNS.

7) Crime No.116/2015 of Bajpe police station was registered for the offence punishable under Section 392 of IPC.

8) Crime No.116/2015 of Bajpe police station was registered for the offence punishable under Sections 392, 397, 109 r/w 34 of IPC.

9) Crime No.298/2018 of Moodabidre police station was registered for the offence punishable under Section 392 of IPC.

10) Crime No.99/2018 of Karkala Urban police station was registered for the offence punishable under Section 392 of IPC.

11) Crime No.143/2018 of Karkala Rural police station was registered for the offence punishable under Section 392 r/w Section 34 of IPC.

12) Crime No.55/2018 of Karkala Rural police station was registered for the offence punishable under Section 392 r/w Section 34 of IPC.

13) Crime No.15/2021 of Barke police station was registered for the offence punishable under Section 143, 147, 148, 353, 332, 324, 307 r/w Section 149 of IPC.

14) Crime No.48/2020 of Shirva police station was registered for the offence punishable under Section 392 r/w Section 34 of IPC.

10. He is a habitual offender and not appearing before the courts regularly. By Looking into the material placed on record, if the accused No.2 is released on bail, it is very difficult to secure his presence. Hence, I am of the opinion that the accused No.2 is not entitled to be enlarged on bail. Hence, I answer point No.1 in the '**Negative**'.

11. **Point No.2**:- In view of aforesaid reasons, I proceed to pass the following;

ORDER

The bail application U/s.483 of B.N.S.S.,
filed by accused No.2 is rejected.

(Dictated to the SG-I, the transcript thereof is corrected and then pronounced by me in the Open court, this the 27th day of June 2026)

(JAGADEESH V.N.)

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