

Orders on the application filed by accused No.1 under Section 483(1)(b) of BNSS.

This application is filed by accused No.1 for relaxing condition No.1 of the order dated 10.10.2025 and to release accused No.1.

2. In the application it is stated that, on 10.10.2025 this Court ordered for releasing accused No.1 by granting bail with a condition that accused No.1 shall be released on bail by executing personal bond for a sum of Rs.1,00,000/- along with two sureties for the likesum to the satisfaction of this

Court. The accused No.1 is unable to comply the said condition as the accused No.1 is coming from poor family and economically backward family and she has no source of income to bear the expenses to arrange the surety and accused No.1 is not having any movable or immovable properties and none of the persons are ready to come forward to stand as surety for accused No.1. Hence, prays for allowing the application on several other grounds.

3. The learned Public Prosecutor has filed objection to this application narrating the accusation made against accused No.1 in the complaint and also stating that in the order of Hon'ble Supreme Court in SMWP (Criminal) No.4/2021 dated 31.01.2023, the Hon'ble Supreme Court has given certain guidelines for relaxation of the condition by taking economical condition report of the accused through DLSA or Probation Officer and the same may be considered after obtaining the report.

4. Heard both the sides.

5. The following points that arise for my consideration are:

- 1) Whether accused No.1 has made out a ground to relax condition No.1 for giving surety for her release?
- 2) What order?

6. My findings to the above said points are as under:
- Point No.1: In the negative.
- Point No.2: As per final order, for the following:

REASONS

7. **Point No.1:-** On 10.10.2025 this Court has allowed the bail application of accused No.1 and ordered for releasing accused No.1 on bail with a condition that she has to execute personal bond for a sum of Rs.1,00,000/- along with two sureties for the likesum to the satisfaction of the concerned Court. However this application is filed for relaxing the said condition by relying on the judgment of Hon'ble Supreme Court in SMWP (Criminal) No.4/2021 dated 31.01.2023. This Court has also called for report from the DLSA and also accused No.1 has submitted the report of DLSA regarding social economic condition of accused No.1. As per the report of Member Secretary, DLSA, Dharwad, the yearly income of the family of accused No.1 is Rs.10,000/- and the family of accused No.1 is economically not in a good sound state.

8. However on perusal of the judgment of Hon'ble Supreme Court in SMWP (Criminal) No.4/2021, it is clear that the Hon'ble Supreme Court has directed the courts to obtain report from DLSA, Member Secretary regarding economic condition of the accused. However, discretion is given to the Court to consider the same or not by considering the gravity of the offence alleged against the accused. In view of this

judgment of Hon'ble Supreme Court and also considering that the nature of the offence alleged against the accused i.e. under Section 21(A) of NDPS Act i.e. the accused No.1 was in possession of four grams of MDMA, I feel that when the offence alleged against the accused is heinous in nature, if the condition is relaxed by considering the economic condition of the family of accused No.1, it is likely that she may flee away from the jurisdiction of the Court or she may tamper the witnesses as argued by the learned Public Prosecutor. Therefore, I feel that it is necessary to reject the application filed by accused No.1 for relaxing the condition. Hence, I answer point No.1 in the Negative.

9. **Point No.2:-** In view of answering point No. 1 in the Negative, I pass the following:

ORDER

Application filed by accused No.1 under Section 483(1)
(b) of BNSS for relaxing of condition is rejected.

(Order dictated to AI Adalat software directly in the open Court on this 14th day of January, 2026 by pronouncing the same, thereafterwards the same is corrected by Stenographer Grade-I, then the print out verified and signed by me)

(B.S.Bharathi)
PRL. DISTRICT & SESSIONS JUDGE,
DHARWAD.