

**IN THE COURT OF PRL. DISTRICT AND SESSIONS JUDGE,
DHARWAD.**

DATED THIS 19th DAY OF DECEMBER, 2024.

PRESENT
SMT. B.G. RAMAA,
B.COM., LL.B.
PRL. DISTRICT & SESSIONS JUDGE, DHARWAD.

SC No. 173/2019

COMPLAINANT:

Sub-Urban Police Station, Dharwad
(Rep. By Public Prosecutor, Dharwad.)

V/s

ACCUSED No.2:

Naveen S/o Suresh Ugargol,
Age: 23 years, Occ: Coolie,
R/o Mugad village, Dharwad,
Now residing at C/o Rayavva Chalawadi,
Neharu Nagar, Last stop, Dharwad.

(By Sri.A.S.Shindhe, Advocate)

ORDERS ON BAIL APPLICATION OF ACCUSED NO.2

The above accused has come up with the application under Section 439 of Cr.P.C seeking bail on the following grounds.

2. It is the case of the applicant that after filing of charge sheet he was enlarged on bail and thereafter he was appearing before the court on each and every date of hearing. That on 31.07.2024 he was absent due to unavoidable circumstances and he could not informed his

counsel regarding his absence. That due to his absence on that day, this court issued NBW against him and in pursuance of which he was arrested and produced before the court and he is in judicial custody.

3. It is contended by the applicant that he has not committed any offence as alleged and he is falsely implicated. That there are no prima facie materials against him for the offences alleged. That no specific overt acts are attributed against him. That he is the only bread earner of his family. That he has permanent place of abode and deep roots in the society. That he is ready to furnish surety and abide by conditions.

4. The learned Public Prosecutor has resisted the above application on the following grounds.

5. It is contended that filing of charge sheet itself discloses existence of prima facie materials against this accused for the offences alleged. That he was granted bail by imposing conditions and this applicant has violated the conditions of bail and therefore he is not entitled for bail at this stage. That in case of grant of bail, he may cause threat to the witnesses, may remain absconding forever hampering the trial. That no valid grounds are made for grant of bail.

6. Arguments heard on both the sides.

7. In view of the contentions taken, the points that arise for consideration are:

- 1) Whether the applicant/accused No.2 has made out valid grounds for grant of bail?
- 2) What order?

8. In view of the arguments canvassed and the materials placed on record, above points are answered as follows:

Point No.1: In the Negative.

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

REASONS

9. **Point No.1:** It is argued by the learned counsel for the applicant that earlier he was on bail and he was regular till 26.06.2024 and only on 31.07.2024 he remained absent and by executing NBW issued against him he was remanded to judicial custody. Whereas it is argued by the learned Public Prosecutor that Hon'ble High Court of Karnataka in Criminal Petition No. 100912/2020 dated 17.08.2020 has granted bail by imposing conditions. That one of the condition is that he has to mark his attendance in the jurisdictional police station on every Second Saturday between 10.00 am and 2.00 pm of the respective month till disposal of the case or until further orders. It is further argued that this applicant has marked his attendance only on 02.02.2022, 06.03.2022, 04.12.2022, 05.02.2023, 21.04.2023

and 03.09.2023 which discloses that he has violated the condition imposed by the Hon'ble High Court while granting bail and therefore he is not entitled for bail.

10. Materials placed on record disclose that this accused No.2 was regularly appearing before this court till 26.06.2024 as rightly pointed out by the learned defence counsel. However, as argued by the learned P.P., this accused No.2 has violated the condition imposed by the Hon'ble High Court of Karnataka while granting bail as evident from the materials placed on record. When such being the case and as no material evidence placed regarding the condition of marking attendance by this accused before the police is modified, I am of the view that the applicant has not made out valid grounds for grant of bail. So point No.1 is answered in the negative.

11. **Point No.2:** In view of above discussion, following order is passed.

ORDER

Bail application filed by the accused No.2 is hereby rejected.

(Dictated to Stenographer Grade-I, transcribed and computerized by her, corrected, signed and then pronounced by me in the open-Court on this the 19th day of December, 2024).

**(B.G.RAMAA)
PRL.DISTRICT & SESSIONS JUDGE,
DHARWAD.**

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