

Order on bail application filed under Section 439 of CrPC by the
accused no. 2.

1. According to the accused no.2 who has filed bail application, he is innocent of the alleged offences and he is ready to abide by any conditions imposed by this court and he is the permanent resident of the address shown in the application. Hence, prays for releasing him on bail on several other grounds.

2. According to the Public Prosecutor who has filed the objections against the bail application, the offences alleged against the accused are heinous in nature. This accused was on bail and he has not appeared before the court and hence this court issued NBW against this accused. On 19.12.2024 this court has rejected the bail application of this accused, since this accused has violated the conditions of Hon'ble High Court while granting bail. If the accused is released on bail, it is likely that he may tamper the witnesses and flee from the jurisdiction of the court. Hence prays for rejecting the bail application on several other grounds.

3. Heard both sides.

4. Points that arise for my consideration are,

1) Whether the accused No.2 has made a ground to releasing him on bail?

2) What order?

5. My findings on the above points are as under:

Point No.1: In the Negative.

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

REASONS

6. **Point No.1:** According to the Public Prosecutor, this accused who was released on bail by the Hon'ble High Court of Karnataka with conditions and accused has violated the conditions of Hon'ble High Court of Karnataka and remained absent and hence this accused cannot be released on bail and if he is released on bail it is likely that he may flee from the jurisdiction of the court and hence prays for rejecting the bail application on several other grounds.

7. According to the advocate for accused, the accused is ready to abide by any conditions imposed by this court and hence prays for allowing the bail application of this accused no.2. However, as per the order of the Hon'ble High Court of Karnataka in Criminal Petition No.100912/2020 dated 17.08.2020 where the Hon'ble High Court has granted bail, the Hon'ble High Court has imposed conditions stating that this accused has to mark his attendance in the jurisdictional police station on every second Saturday between 10 a.m. to 02.00 p.m. of the respective month till disposal of the case or until further orders. However, this accused no. 2 has not at all marked his attendance in the jurisdictional police station as per the directions of Hon'ble High Court of Karnataka and violated the said conditions. In addition to the same accused nos.2 and 3 were also absent during the trial and hence this court has issued NBW against these accused nos.2 and also against accused No.3. This accused no.2 was secured on warrant and hence this court has remanded the accused no.2 to judicial custody. Therefore when the offences alleged against the accused are under

Sections 120(B), 302 r/w 34 IPC and when the Hon'ble High Court of Karnataka has granted bail with the above said conditions and the accused no.2 has violated the said conditions, I feel that if the accused is enlarged on bail, he may not appear before the court properly and he has no respect for the court of law. Therefore, I feel that this accused no. 2 is not entitled for bail. Hence, I answer point no. 1 in the Negative.

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

ORDER

The bail application of accused no. 2 is rejected.

(Order dictated in AI Adalat software directly in the open court on this 16th day of August, 2025 by pronouncing the same and thereafterwards the same is corrected by Stenographer Grade-I, then verified and signed by me)

Prl., District and Sessions Judge, Dharwad.