

KAMS010013262024



S.C/22/2024

**IN THE COURT OF THE I ADDL.DISTRICT & SESSIONS
JUDGE: MYSURU.**

**Present: Sri Dayananda V. Hiremath, M.A., LL.M.,
C/C I ADDL.DISTRICT & SESSIONS JUDGE:
MYSURU.**

Dated this the 16th day of April, 2026

S.C/22/2024

Complainant

State by Metagalli Police

(Rep. By Public Prosecutor)

V/s

Accused

Manoj @ Masale and Others

A-1: Manoj @ Masale @ Manu
S/o Nagesh,
21 years,
R/at: F-3, 41 Block,
Indira Gandhi Badavane,
Ekalavya Nagara, Mysuru City.

**Accused No.1 is in JC
(By Sri.U.N, Advocate)**

ORDER ON BAIL APPLICATION FILED BY THE
ACCUSED No.1 U/Sec.439 OF Cr.P.C

The Accused No.1 has filed the bail application under Section 439 of Cr.P.C. seeking to enlarge him on bail. The Accused No.1 has contended that, the complainant police have registered a case against the Accused under Section 395 and 397 of I.P.C. and after investigation filed the chargesheet in the case. The Accused No.1 is an innocent and a law abiding citizen, he has not committed any offences as alleged by the complainant and he has been falsely implicated in the case. The Accused No.1 is a coolie, he is the only earning member of his family. If he is not enlarged on bail his family members will suffer untold hardship. The Accused No.1 is a resident of Mysuru City, he is ready to abide any conditions that may be imposed by the court and ready to offer sufficient surety to the satisfaction of the court. Accordingly, the Accused No.1 sought for allowing the bail application.

2. The learned Public Prosecutor filed objections to the said application contending that, the bail application filed by the Accused No.1 seeking to enlarge him on bail is not maintainable either in law or on facts and the same is liable to be rejected. It is further contended that, the Investigation Officer has collected sufficient material against the Accused No.1 and filed the chargesheet in the case. Therefore, there is sufficient material to believe that, as he was involved in the commission of alleged crime. The Accused No.1 was enlarged on bail by this court, but thereafter he remained absent before the court, hence the NBW was issued against him and having executed the NBW he was arrested and produced before the court. Therefore, if the Accused No.1 is enlarged on bail again he may flee away from the jurisdiction and tamper with prosecution witnesses. Accordingly, the learned Public Prosecutor sought for rejecting the bail application.

3. I have heard the arguments of both sides and perused the entire record. In the facts and circumstances of the case, the following point arises for consideration:

Point : Whether the Accused No.1 has made out the sufficient and satisfactory grounds to allow the bail application filed under Section 439 of Cr.P.C as prayed for ?

4. The point under consideration is answered in the **Negative** for the following:

REASONS

5. As could be seen from the contentions urged in the bail application the Accused No.1 has stated that, he is not involved in the commission of alleged crime. He has been falsely implicated in this case. On the other hand, the learned Public Prosecutor vehemently contended that, though the Accused No.1 enlarged on bail by this court, he remained absent before the court, due to which the proceedings of the case could not go on. Accordingly, the learned Public Prosecutor sought for rejecting the bail application filed by the Accused No.1.

6. Having heard the arguments of both sides and perused the entire record, it is pertinent to state here that, the offences alleged against the Accused No.1 are heinous in nature. Further, the Accused No.1 was already granted bail by this court on 23.8.2024, thereafter, he remained absent before the court. Hence, the NBW was issued against him on 12.11.2024, subsequently though the NBW was re issued against the Accused No.1 from time to time, the same was not executed and the presence of the Accused No.1 was not secured before the court on the ground that the Accused No.1 was absconding. Finally, on 10.3.2026 the Accused No.1 was arrested and produced before the court by executing the NBW issued against him and he was remanded to judicial custody. Therefore, it clearly shows that, the Accused No.1 remained absent before the court for more than one and half year, but there is no satisfactory explanation in the bail application for such a long absence of Accused No.1 before the court. That apart, due to absence of the Accused No.1 the charges could not be framed against the Accused persons in the case.

Hence, in the said circumstances I am of the view that, the Accused No.1 has not made out tenable grounds to allow the bail application. Accordingly, I answer the point under consideration in the **Negative** and proceed to pass the following:

O R D E R

**The Bail Application filed by the
Accused No.1 under Sec.439 of
Cr.P.C is rejected.**

**C/C I Addl District & Special Judge,
Mysuru.**