



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TUMAKURU.**

Present:

Sri B.Jayantha Kumar, B.A.LAW., LL.M.,
Prl. District & Sessions Judge,
Tumakuru.

Dated this the 16th day of July, 2026.

Criminal Miscellaneous No.1023/2026

Petitioner/ : Shivakumara.K.K. S/o. Kempaiah, Aged
A.1 about 43 years, R/at Kebbahalli Village,
halevoor Post, Huliurdurga Hobli,
Kunigal Taluk, Tumakuru District.

(By Sri.Ramakrishna.N., Advocate)

- V/s.-

Respondent : State by Huliurdurga Police Station,
Kunigal Circle, Tumakuru District.

**(By learned Public Prosecutor,
Tumakuru)**

ORDER

This petition is filed by the petitioner/accused No.1
under Section 439(1)(b) of the Code of Criminal Procedure
(‘Cr.P.C.’ for short), seeking relaxation of condition as



furnishing of one surety instead of two sureties as per order passed by this Court in Crl. Misc. No.1711/2025 on 25.11.2025.

2. In the petition, the petitioner/accused No.1 contended that the respondent police have registered a case against him and another in Crime No.20/2025 which was pending before this Court in S.C.No.67/2024 for the offences punishable U/Sec.304, 379 of I.P.C. and sec.21(1) of the Mines and Minerals (Regulation and Development) Act, 1957 and during the course of investigation, the respondent police have secured him and produced before this Court seeking judicial custody with remand application and he was remanded to judicial custody, thereafter he was released on bail U/Sec.439 of Cr.P.C. in Crl. Mis. No.1711/2025 by this Court on 25.11.2025 by imposing condition to furnish two sureties, but he was not able to furnish two sureties because he is a poor person and he is the only earning person of his family and there is no relatives for him to furnish sureties



and hence, prayed for relaxation of conditions as furnish one surety instead of two sureties.

3. The learned Public Prosecutor opposed the petition by filing objection and contended that the petitioner/accused No.1 has violated the conditions imposed by this court and has not given suitable reasons to allow this petition and hence, at this juncture, relaxation of condition of furnishing one surety instead of two sureties cannot be relaxed and hence, prayed for rejecting the petition.

4. Heard the arguments of learned counsel for the petitioner/accused No.1 and learned Public Prosecutor.

5. The following points arise for my determination:

1. *Whether the petitioner/accused No.1 has made out good grounds for an order of relaxation of condition of furnishing two sureties instead of one surety imposed in Crl. Mis. Pet. No.1711/2025 dated 25.11.2025 ?*
2. *What order?*

6. My Findings on the above points are as follows:-

Point No.1: In the ***affirmative***;



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

REASONS

7. Point No.1:- This Court has granted regular bail to the petitioner/accused No.1 in Crl. Mis. Pet. No.1711/2025 on 25.11.2025 in S.C.No.67/2024 (Crime No.20/2015 of Huliurudurga P.S.) and petitioner/accused No.1 was directed to execute personal bond for Rs.1,00,000/- with two sureties for the like-sum in S.C.No.67/2024. Now, the petitioner/accused No.1 is for relaxation of condition as to furnish one surety instead of two sureties.

8. The petitioner/accused No.1 has produced the copy of order in Crl. Misc. No.1711/2025 dated 25.11.2025.

9. The objections raised by learned P.P. for this application are only formal in nature. The petitioner/accused No.1 has contended that he was not able to furnish two sureties because he is poor person and he is the only earning person in his family and there are no relatives for him to furnish sureties, which prima-facie appears to be



genuine reason. Therefore, this is a fit case to allow the petition. With these observations, I answer **point No.1** in the ***Affirmative.***

10. Point No.2:- In view of my findings on point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner/accused No.1 U/Sec.439(1)(b) of Cr.P.C. is hereby **allowed**.

The condition of executing personal bond for Rs.1,00,000/- with two sureties for the like-sum in S.C.No.67/2024 (Crime No.20/2015 of Huliurudurga P.S.) as per order passed by this Court in Crl. Mis. No.1711/2025 dated 25.11.2025, is hereby relaxed.

Petitioner/accused No.1 is permitted to execute personal bond for Rs.1,00,000/- with one surety for the like-sum in S.C.No.67/2024 (Crime No.20/2015 of Huliurudurga P.S.) as per order passed by this Court in Crl. Mis. No.1711/2025 dated 25.11.2025.



The other conditions imposed in Crl. Mis. Pet.
No.1711/2025 dated 25.11.2025 shall be intact.

*(Dictated to the Stenographer directly on computer, corrected,
signed and then pronounced by me in the open Court on the
16th day of July, 2026).*

(B. Jayantha Kumar)

Prl. District and Sessions Judge,
Tumakuru.