



IN THE COURT OF THE PRL.DISTRICT & SESSIONS JUDGE,
UTTARA KANNADA, KARWAR.

DATED THIS [THE 1st DAY OF SEPTEMBER-2023](#)

SESSIONS CASE [NO: 13/2022](#)

PRESENT:

Sri. D.S.Vijaya Kumar,
B.Sc., LL.B.,
Prl. District and Sessions Judge,
Uttara Kannada, KARWAR.

COMPLAINANT:

The State of Karnataka
P.S.I, Kumta Police Station,
Represented by Public Prosecutor.
Uttara Kannada, Karwar.

Vs.

ACCUSED:

Nishant Nagaraj Ambig,
Age: 20 years, R/o: Dhareshwar
Beach, Kumta.

(By [Smt.A.M.Rane.](#), Advocate.)

ORDERS ON APPLICATION UNDER SECTION
439 OF CR.PC., FILED BY THE ACCUSED

This is an application filed under Section 439 of Cr.P.C., by the accused seeking regular bail in connection with crime No.68/2021 registered by Kumta police station for the offences punishable under Section 307, 504 and 506 of IPC.

2. The brief averments made in the application are that, the accused is innocent and he has not committed any offence as alleged. The accused is the permanent resident of Dhareshwar in Kumta and he resides there with his family. The accused was released on bail by this Court and after his release he was attending before this Court regularly. The grand mother of the accused is having old age ailments and there is no one to take of her except accused. The accused had to take his grand mother to the hospital as her health condition was too bad on 18/7/2023 and he could not appear before the Court. The accused is in custody from the date of his arrest i.e., 02/08/2023. Further contended that the offences alleged against the accused are though non-bailable they are not punishable with death or imprisonment for life. The accused is ready to abide by the conditions imposed by the Court and he undertakes to appear before the Court as and when necessary and ready to offer surety to the satisfaction of the Court. Hence, on these grounds has prayed for granting bail.

3. The learned Public Prosecutor representing the State has filed detailed objections and has contended that the bail petition filed by the accused is liable to be dismissed. The Investigating Officer has completed the investigation and filed charge sheet. Medical officer has given the wound certificate of

the complainant about the injury sustained by him in the incident and given opinion report about possibility of causing injuries from glass beer bottle used for commission of alleged offence. Since the accused remained absent before the Court for several times, NBW as been issued against him, at this stage, if the accused is released on bail, he may abscond and may tamper the prosecution witnesses and hamper the trial. Therefore, the accused is not entitled for bail as sought for and prayed to dismiss the bail petition.

4. Heard arguments of both sides.

5. In the circumstances, following points arise for determination:-

(1) Whether the applicant/ accused **is** entitled for an order of regular bail, as sought?

(2) What Order?

6. My findings to the above points are under:

Point No.1: In the Affirmative.

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

REASONS

7. **Point No.1:** I have perused the petition, objections filed by the learned Public Prosecutor and documents available on record.

8. On the basis of the complaint lodged by the complainant a case was registered against the accused in Kumta Police station in Crime No.68/2021 for the offences punishable under Section 307, 504 and 507 of Indian Penal Code alleging that on 25/3/2021 at 10-30 p.m., at Dhareshwar, when the complainant was returning to home by walk, the accused with an intention to kill the complainant, came from behind by holding beer bottle and assaulted the complainant on his head with the said beer bottle and caused grievous injuries. The accused abused the complainant with filthy language and threatened to his life with dire consequences.

9. This accused was already on bail. However, since he remained absent on 18/7/2023, the non-bailable warrant was issued and he was arrested and produced under the said warrant on 2/8/2023 and ever since he is in judicial custody. So when the case was for fixing trial since the accused absented the warrant was issued and he was remanded to judicial custody in pursuance thereof. It is seen after he appeared before this Court, he was regular in attendance until 18-7-2023 and only on the said date he remained absent. Trial has not yet commenced. In the circumstances, I am of the opinion that by imposing appropriate conditions an order of bail may be granted. Consequently point No.1 is answered in Affirmative.

10. **Point No.2:** On the above findings, I proceed to pass the following:

:ORDER :

The petition filed by the accused under Section 439 of the Cr.P.C. is hereby allowed subject to the following conditions:

- (i) The accused shall be released on bail in Crime No. 68/2021 of Kumta police station (SC No. 13/2022 on the file of this Court) on his executing personal bond for Rs.50,000/- with a surety for the likesum.
- (ii) The accused shall appear before the Court on every hearing date.
- (iii) The accused shall not threaten the prosecution witnesses and not hamper the Trial.
- (iv) The accused shall not commit similar offences or other offences.

(Dictated to the Stenographer directly on computer, typed by her, revised and corrected by me, signed and then pronounced in the Open Court on this the 01st day of September-2023)

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