

KAUK020044922024



**IN THE COURT OF
PRL. SNR. CIVIL JUDGE AND CJM COURT, KARWAR
AT, UTTARA KANNADA**

Presided Over by Smt RESHMA JANE RODRIGUES
M.Com., LL.M.,
Prl. Senior Civil Judge and
C.J.M. Court, Karwar.

Dated this the 24th day of April, 2025

C.C.NO. 3116 / 2024

Complainant: State by U.K. Women P.S.
Karwar.

[By Learned Sr. A.P.P.]

V/s.

Accused : 1. Nagaraj Jayaram Harikantra,
Age: 38 years, Occ: Fisherman,
R/o: Belse, Shirur, Ankola,
Uttara Kannada.

[By Smt. M.N.D., Adv.]

ORDERS ON BAIL APPLICATION UNDER SECTION 480
OF B.N.S.S.

The counsel for the accused No.1 has filed bail application under Section 480 of B.N.S.S. for release of accused No.1 on bail.

2. In the bail application it is submitted that in the instant case the police have registered a case against the accused No.1 to 7 under Sections 498A, 323, 324, 504 R/w Section 149. It is submitted that the accused No.1 is innocent person and he has not committed any such offence as alleged in the complaint. The Karwar Women Police have falsely implicated the accused in their false case. The accused No.1 is permanent resident of Shiroor Ankola accused No.1 is a respectable person and he is having very good roots in the society. He is having his family members who are depending on him. He is the sole bread earning member of his family. The alleged offences are non bailable in nature. But not punishable with life or death imprisonment. The accused No.1 already co-operated with the investigating officer to investigate the case. The accused No.1 is not more required for the police for any

purpose. The accused No.1 is ready to abide by the conditions of this Hon'ble Court. He will not hamper the investigation or temper the prosecution witnesses and also ready to furnish the surety to the satisfaction of this Hon'ble Court. Hence prayed to allow the application.

3. The Sr. APP has filed objections to the bail application contending as follows:

It is submitted that the accused No.1 committed offences under Section 498A, 323, 324, 504 R/w Section 149. It is submitted that the alleged offence are heinous offence and non-bailable and cognizable offence. It is submitted that the accused person violated the bail condition of this Hon'ble Court, hence this Hon'ble Court issue NBW against the accused person and the same is executed by the police. It is submitted that if the accused person is released on bail they may again violated the bail conditions and they may absconding from the jurisdiction of this Hon'ble Court in order to delay the prosecution case and they may tamper the prosecution witness. Hence prayed to reject the bail application.

4. Heard both counsels for the accused and Sr. APP and perused the application and objections filed by the Sr APP.

5. The following points arise for my consideration:

:POINTS:

1. Whether sufficient grounds are made out for release of accused No.1 on bail?
2. What Order ?

6. My findings on the above points are as follows:

Point No.1: In the **Negative.**

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

REASONS

7. **Point No.1:** Before adverting to the submissions made by the parties relating to the grant of bail, it is necessary to provide a brief conspectus of the allegations made against accused. The case is registered against the accused for the offence under section 498-A, 323, 324, 504 and 149 of IPC. It is alleged that the accused have physically and mentally harassed the defacto complainant

and beat her and abused her in filthy language. After investigation the police have filed charge-sheet against the accused for the alleged offences. the accused in this case have been anticipatory bail on 26-09-2024 in Cri Mis No. 344/2024. In pursuance to the same accused No.2 to 7 have complied the conditions imposed by the court at the time of granting anticipatory bail. However accused No1 has remained absent and absconding and has not complied with the bail conditions and has thereby violated the bail conditions imposed by the court while granting anticipatory bail. In addition on perusal of the charge sheet documents at this stage it prima facie shows reasonable grounds to assume commission of offence by the accused.

8. In addition it the accused is released on bail there is a possibility that the accused might threaten or tamper with the prosecution witnesses and might repeat similar offence. Hence taken into consideration the various parameters inter alia the gravity of the offence and the conduct of the accused and facts and circumstances of the accused, no satisfactory grounds are made out to release

the accused No.1 on bail. Hence, I answer **Point No.1 in the Negative.**

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

ORDER

The bail application filed by the counsel for the accused No.1 under Section 480 of B.N.S.S. is hereby rejected.

(Dictated to the Stenographer directly on system, typed by her, corrected by me, signed and then pronounced in the Open Court on this the **24th day of April, 2025.**)

(Reshma J Rodrigues)
Prl. Senior Civil Judge and
C.J.M., Karwar.