

Case is advanced on board and called out.

Accused No.1 and 2 are present.

Sri. S.G.C., advocate has filed vakalath for accused No.1 and 2 along with bail application U/Sec.480 of BNSS.,

Learned APP filed objection to bail application U/Sec.480 of BNSS.

Heard both side counsels on bail application U/Sec.480 of BNSS.

For orders.

**ORDER ON BAIL APPLICATION UNDER
SECTION 480 OF BNSS., FILED ON
BEHALF OF THE ACCUSED No.1 and 2**

In the bail application, it is averred that, accused No.1 and 2 are innocent persons and they have not committed any offence as alleged by the police officials. Further stated that, the offence as alleged against the accused are punishable U/Sections 303(2) of BNS. The said offence is triable by this court. Further contended that, alleged offence is non bailable offence but not punishable with death or imprisonment of life. Further, counsel for the accused submits that the accused are ready to

obey any conditions impose by this court, hence, prays for allow the said application.

2. On the other hand, the learned A.P.P., has filed objection, wherein stated that accused is committed offence punishable U/Sections 303(2) of BNS. Further this offence is non-bailable in nature. If this court grant the bail to the accused persons then they may chance to abscond and hamper and tamper the prosecution witness. Hence, pray to reject the bail application filed by the accused persons.

3. Heard the argument of both the counsels and perused the materials available on record.

4. The only point that arises for my consideration is:

1. Whether the accused are entitled for the bail?

2. What order?

5. My answer to the above point is in the Affirmative, for the following:

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

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

REASONS

6. **Point No.1:** This court has considered the above bail application along with the objection filed by the learned A.P.P. After perusal it reveals that the offences alleged against accused are punishable U/Section 303(2) of BNS , which is non-bailable in nature.

However, though the alleged offence is non bailable in nature, the same are not punishable with death or imprisonment of life. Further the said offence is triable by this Court only. The appearance of accused before the court can be secured without any hurdles.

The apprehensions of the prosecution can meted out by imposing suitable conditions. Moreover, police officials have already completed the investigation and filed charge sheet before the court.

On the other hand, the accused made out valid grounds for enlarging on bail. The grounds urged by the prosecution do not appear sufficient and satisfactory for denying the right of the accused to be enlarged on bail.

The accused are ready to offer surety for his release on bail and abide by the conditions which would be imposed on him. Hence, by imposing stringent conditions, the apprehension of prosecution would be safeguarded and as such, accused are entitled for the bail. In the light of foregoing discussions, this court is opinion that the accused are entitled to be enlarged on bail. **Hence, I answer point No.1 in the Affirmative.**

7. Point No.2 :- As per the following:-

ORDER

The bail application filed by the counsel for the accused No.1 and 2 U/Sec. 480 of BNSS., is hereby allowed.

The accused No.1 and 2 are enlarged on bail on executing personal bond for sum of Rs. 50,000/- each with surety for the like-sum with the following conditions:

1. The accused No.1 and 2 shall not tamper or terrorize the prosecution witnesses.
2. The accused No.1 and 2 shall not leave the jurisdiction of this court without prior permission.
3. The accused No.1 and 2 shall appear before the court on all adjourned dates.

4. The accused No.1 and 2 shall not commit the any type of similar offenses.

SD/-

**Prl. Civil Judge &
JMFC., Honnavar.**

Counsel for accused have filed S/A, D/A, and R.T.C., extract along with xerox copy of aadhar card of surety.

Surety present before the court.

One person by name Annappa S/o Ganapayya Gowda, Aged about 41 years, Occupation: Agriculturist, R/o: Hosapattan, Tq: Honnavar, Uttara Kannada District is present is ready and willing to offer surety. He has filed surety affidavit along with declaration U/Sec.486 of BNSS., with his R.T.C., extract bearing Sy. No.52/2, measuring 00-02-02 situated at Manki hobali, Hosapattan village, Honnavar Taluk and photo along with xerox copy of aadhar card for his identification. Surety enquired, found sufficient, hence surety accepted.

Perused the surety affidavits and it enclosures. Wherein it is stated that the accused are well known to the surety and he is ready and willing to stand as surety to the said accused persons. Further, the

surety has undertaken that he will abide all the conditions imposed by this court. Therefore, this court feels that the surety is sufficient. Hence, the surety is accepted.

Office is hereby directed to take personal and surety bonds accordingly.

Copy of the charge sheet furnished to the accused No.1 and 2.

Further, Counsel for accused have filed NBW recall application for accused U/Sec.72 of BNSS. Heard and allowed, NBW issued against the accused No.1 and 2 are hereby recalled with penalty of Rs.100/- each.

For Charge.

Call on: 17-08-2026.

SD/-

**Prl. Civil Judge &
JMFC., Honnavar.**