

Case called out.

Accused No.1 to 9 are present.

Counsel Sri V.R.N., advocate filed vakalath for accused No.1, 3, 4, 6, 8 and 9 along with bail application U/Sec.480 of BNSS.

Counsel Sri S.G.C., advocate filed vakalath for accused No.2, 5 and 7 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.

ORDER ON BAIL APPLICATION UNDER SECTION 480 OF B.N.S.S., FILED ON BEHALF OF THE ACCUSED PERSONS

In the bail application, it is averred that, accused persons are innocent persons and they have not committed any offence as alleged by the police officials. Further stated that, the offences alleged against the accused persons punishable U/Sections 329(3), 74, 115(2), 118(1), 352, 190 of BNS. The said offences are triable by this court. Further contended that, alleged offences are non bailable offences but not punishable with death or

imprisonment of life. Further, counsel for the accused persons submits that the accused persons 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 persons are committed offences punishable U/Sections 329(3), 74, 115(2), 118(1), 352, 190 of BNS. Further this offences are 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, prays 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 persons are entitled for the bail?
2. What order?

5. My answer to the above points are as follows:

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 persons are punishable U/Sections 329(3), 74, 115(2), 118(1), 352, 190 of BNS which are non-bailable in nature.

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

The apprehensions of the prosecution can safeguarded 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 persons 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 persons to be enlarged on bail.

The accused persons are ready to offer surety for their release on bail and abide by the conditions which would be imposed on them. Hence, by imposing stringent conditions, the

apprehension of prosecution would be safeguarded and as such, accused persons are entitled for the bail. In the light of foregoing discussions, this court is opinion that the accused persons 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 persons U/Sec. 480 of BNSS., is hereby allowed.

The accused persons are enlarged on bail on executing personal bond for sum of Rs. 50,000/- each with one surety for the like-sum with the following conditions:

1. The accused persons shall not tamper or terrorize the prosecution witnesses.
2. The accused persons shall not leave the jurisdiction of this court without prior permission.
2. The accused persons shall appear before the court on all adjourned dates.
3. The accused persons shall not commit any type of similar offenses.

Sd/-

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

Counsel Sri V.R.N., advocate 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 Manjunath Ira @ Manju Hallira, Aged about 57 years, Occupation: Agriculturist, R/o Kumbarkeri, Manki, 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.1199/1, measuring 00-14-00 Paiki 00-02-00 situated at Manki village, Manki Hobali, Honnavar Taluk, and photo along with xerox copy of aadhaar card for his identification. Surety inquired, found sufficient, hence surety accepted.

Perused the surety affidavits and it enclosures. Wherein it is stated that the accused No.1, 3, 4, 6, 8 and 9 are well known to the surety and he is ready and willing to stand as surety to the said accused No1, 3, 4, 6, 8 and 9. 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.

Counsel Sri S.G.C., advocate 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 Hanamanth Krishna Naik, Aged about 46 years, Occupation: Agriculturist, R/o Guladkeri, Manki, 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.5/4, measuring 00-05-00 situated at Manki village, Manki Hobali, Honnavar Taluk, and photo along with xerox copy of aadhaar card for his identification. Surety inquired, found sufficient, hence surety accepted.

Perused the surety affidavits and it enclosures. Wherein it is stated that the accused No.2, 5 and 7 are well known to the surety and he is ready and willing to stand as surety to the said accused No.2, 5 and 7. 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 & surety bonds accordingly.

Copy of the charge sheet furnished to the accused persons as per Sec.230 of BNSS.

For HBC/charge.

Call on 21-05-2025.

Sd/-

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