

IN THE COURT OF THE SENIOR CIVIL JUDGE AND ACJM,

KARKALA

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and ACJM, Karkala.

Dated: This the 14th day of January , 2026.

C.C.No.499/2025

State represented by
Sub-Inspector of Police,
Ajekar Police Station. Udupi . .. Complainant
// Vs. //

Rathnakara Amin,
Aged 48 years,
S/o. Shekhara Poojary,
R/o. Sri. Rama Kripa, Nadebettu,
Ajekar, Marne Village,
Karkala Taluk, Udupi District. .. Accused

ORDER

The Sub-Inspector of Police/prosecution has filed application under Section 480(5) of B.N.S.S., seeking cancellation of bail of the accused , which was granted by this court.

2. It is stated in the application that the accused has been released on bail with a condition that he shall not indulge in similar offences. But the accused has violated the said

condition and has again committed the same offences and prays to cancel the bail.

3. Per contra counsel for the accused filed objections stating that the application is filed with political influence and denies that the accused has committed any such offence as alleged and prays to reject the application.

4. Heard from the counsel for accused and learned Senior A.P.P.

5. The following point arise for my determination.

“Whether sufficient grounds are made out in order to cancel the bail granted in favour of accused ?”

6. My answer to the above point is in ‘negative’, for the following

REASONS

7. The F.I.R. was lodged against the accused person alleging offences punishable under Section 196, 56 of the BNS. The accused was released on 03-06-2025, with conditions. Now the present application is filed seeking

cancellation of bail of accused alleging violation one of the conditions imposed by this court.

8. The Sub-Inspector of Police, Ajekar Police Station submits that the accused were released on bail with condition that "he shall not indulge in similar offences" along with other conditions. That the accused by name Rathnakara Amin has been charged with similar offences i.e., punishable under Section 196, 56 of BNSS, wherein he has rendered a speech at horse cart stand Udupi, causing religious disputes and is charged in Crime No.200 of 2025 of Udupi town police station, and prays to allow the application. The objections of the counsel for the accused is that the accused has never committed any such offence and submits that there was no such incident at all.

9. The accused is still in the status of accused and neither is convicted. Only allegations are made and they have to be proved by cogent evidence. Nowhere the statement of the accused confessing about the said offence is produced before the court. The accused is regularly appearing before this court. Thus the allegation made against the accused

appears to be only bare allegations and no proof is produced by the Sub-Inspector of Police, except the copy of the FIR before the Principal civil judge, Udupi. On the other hand when the F.I.R., is lodged before the Ajekar police station and also before Udupi Police Station, the accused can be produced in the said cases before the court . When there is no proper evidence regarding the commission of the said offences by the accused , this court cannot consider regarding the violation of conditions of the bail. Its only when the offences are proved and the accused termed as convict , the cancellation of the bail can be considered. Even otherwise, there is burden on the prosecution to show that the accused has made such a speech and it affected the people of a particular community , leading to offence punishable as alleged. Hence, at this stage, I am of the opinion that the Accordingly holding that there are no sufficient grounds made out by the prosecution in order to cancel the bail of the accused the above point is answered in negative.

10. In view of the above reasoning, I proceed to pass the following :

ORDER

Application filed by the prosecution under section 480(5) of B.N.S.S. is herewith rejected.

(Dictated to the Stenographer, transcribed by her , transcript corrected and then pronounced in Open Court on this the 14th day of January, 2026.)

(SHARMILA C.S.)

Senior Civil Judge & ACJM Karkala.