

**ORDER ON APPLICATION FILED U/SEC.
480 of BNSS, 2023 BY ACCUSED NO.1 & 2**

This is the Bail application filed by Sri. B. Maniraj Shetty, Advocate for accused No.1 and 2 U/Sec.480 of BNSS, 2023 seeking release of accused No.1 and 2 on bail on the ground that the accused No.1 and 2 are innocent and pleads not guilty. They are law abiding citizen, hailing from very respectable family. The Karkala Rural Police have registered the case against the accused No.1 and 2 for the offences under Section 118(1), 238(c), R/w 3(5) of BNS Act. The alleged offence against the accused No.1 and 2 is non bailable in nature and triable by this Hon'ble court. The Karkala Rural police registered the case against the accused No.1 and 2 only for political motivation.

The Karkala Rural police initially not ready to register the case against the accused but after that the local politicians put the political pressure to the Karkala Rural police and succeeded to register the false case against the accused No.1 and 2. The Karkala Rural Police completed investigation and filed the charge sheet before this court. The Hon'ble this court registered the case against the accused No.1 and 2 in C.C. No.527/2025 and issue the summons to the accused for his due appearance. The accused No.1 and 2 appears before this court and seek the bail from this court. The Hon'ble court may be pleased to peruse the nature and gravity of the offences there is no prima facie case made out the against the accused No.1 and 2. Even the Hon'ble court may be pleased to consider the status of the accused No.1 and 2. There is no criminal antecedent against the accused No.1 and 2 under the pressure of local politicians the complainant compel to register the false case against the accused No.1 and 2. The Karkala Rural P.S completed their investigation and filed the charge sheet before this court. There is no question of tampering or hampering the prosecution witnesses. The said accused No.1 and 2 hails from very reputed family.

Both accused are permanently residing in Kalya Village of Karkala Taluk. The accused undertakes to appear before court regularly and undertakes to co-operate with I.O. as and when directed to do so. They are ready and willing to abide by any conditions imposed by the court for release on bail and prayed for allowing the bail application.

2. Learned APP filed objection contending that it is prima facie show from the material collected through investigation that the accused No.1 and 2 have committed the alleged offences and investigation has been completed and filed charge sheet against the accused persons at this stage, if the accused persons are released on the bail, they may commit the same offences, tamper with the prosecution witnesses and abscond. Hence, prayed for rejection of bail application. Hence, prayed for rejection of bail application.

3. Heard both sides.

4. The offences alleged against the accused No.1 and 2 u/Sec. 118(1), 238(c), R/w 3(5) of BNS Act and these sections are non-bailable in nature,

and the punishment is neither imprisonment for life nor death. The apprehension of the prosecution can be met by imposing reasonable conditions. By keeping in mind the the legal principle that bail is the rule and jail is the exception and the gravity of the offence and above said facts, this court come to the conclusion that accused persons are entitled for bail. Accordingly, this court proceed to pass the following:

ORDER

The bail application filed on behalf of the accused No.1 and 2 is allowed subject to execution of personal bond for Rs.50,000/- each with one solvent surety for like-sum with the following conditions:

1. Accused No.1 and 2 are shall not threaten or tamper with the prosecution witnesses.
2. They shall appear before the court regularly.
3. They shall not involve in illegal activities.

Addl. Civil Judge and J.M.F.C,
Karkala.

In compliance of above order, the surety by name Ashok K. Poojary, aged about 54 years, S/o. Late Kitta Poojary, residing at Alankar House, Kuntadi, Kalya Village, Karkala Taluk, Udupi District is present and filed his surety affidavit, declaration U/Sec.486 of B.N.S.S and R.T.C. extract comprised in Sy. No.159/1 measuring 1.30 acres of land including residential house situated at Kalya Village of Karkala Taluk, Udupi District and copy of his Aadhaar Card.

Perused the documents. Inquired the surety, surety furnished by the accused No.1 and 2 is satisfactory. Hence surety is accepted.

Office to take Bond of surety and accused No.1 and 2.

For H.B.C. by: 07.08.2025.

Addl. Civil Judge & JMFC,
Karkala.