

ORDERS ON APPLICATION FILED BY THE ACCUSED
NO.2 UNDER SECTION 490 OF B.N.S.S.

The Accused No.2 has filed this application under Sec. 490 of B.N.S.S. seeking permission to deposit cash security of Rs. 5,000/- in lieu of furnishing a surety and consequently release him on bail.

2. Learned APP filed objection to the application stating that the offence alleged to have been committed by Accused No.2 along with Accused No.1 is a serious offence and non-bailable in nature. The condition imposed to him cannot be

relaxed as the facts stated by Accused No.2 in his application are far from truth and are contrary to the evidence and thus the application filed by Accused No.2 deserves to be dismissed.

3. This case has been registered against the Accused No.1 and 2 for offences punishable under Sec. 454, 380 r/w 34 of I.P.C. It is pertinent to note that the alleged offences are non-bailable in nature.

4. On 07.06.2023 the bail application filed by Accused No.1 and 2 under Sec. 437 Cr.P.C. was allowed with conditions. One such condition is that Accused No.1 and 2 shall execute a self bond for Rs. 50,000/- each with one solvent surety for likesum.

5. On 12.12.2023, Accused No.1 filed application under Sec. 445 of Cr.P.C. to relax the bail condition and allow him to deposit cash surety of Rs. 15,000/- along with his personal bond instead of offering surety for his release on bail. The said application was allowed and office was directed to take personal bond of Rs. 50,000/- with cash surety of Rs. 15,000/-. After that, Accused No.1 stayed absent and failed to appear before Court and NBW was issued against him multiple times. On 23.04.2025, the personal bond of Accused No.1 was forfeited and a separate split up case was registered against Accused No.1.

6. After granting bail, Accused No.2 failed to furnish surety and hence he was remanded back to original custody. Now, the Accused No.2 has also filed similar application under Sec. 490 of B.N.S.S. to release Accused No.2 by taking cash surety of Rs. 5,000/-. This Court apprehends that the things would repeat and Accused No.2 may also abscond. On perusal of the entire order sheet, it shows that the trial has reached the final stage. Hence this Court pass the following:

ORDER

The application filed by Accused
No.2 under Sec. 490 of B.N.S.S. is
hereby rejected.

Issue witness summons to
CW.28, CW.29, CW.33 to 36.

Returnable by: 23.07.2026.

(Smt. Nithya N. Gujjar)
I Addl. Civil Judge and JMFC.,
Karkala.