

Case is advanced.

Accused is present.

Sri. AKN Advocate filed vakalth for accused along with application under Sec.70(2) of CrPc. praying to cancel NBW issued against the accused. The reason assigned in

the application is satisfied. Hence NBW issued against accused is canceled subject to payment of Rs.200/-

**ORDER ON APPLICATION FILED U/SEC.
437 of Cr.P.C. BY ACCUSED**

This is the Bail application filed by Sri. A.K.N. Advocate for accused U/Sec.437 of Cr.P.C. seeking release of accused on bail on the ground that this application is filed praying for an order of bail to the accused in the case for the alleged offence punishable under Section 406, 420 of IPC. The false case has been foisted against the accused at the instance of his enemies. That alleged offences are neither punishable with death nor imprisonment for life and the alleged offences are triable by this Hon'ble Court. The investigation of the above case is already completed and Investigation officer has filed charge sheet before this Hon'ble court. Since the investigation has been completed and charge sheet has been filed, neither custodial detention of the Accused nor interrogation of the Accused by the police is required in this case. The accused

undertake to appear before the court on all future hearing dates and he is ready and willing to abide by the terms and Conditions that may be imposed by this Hon'ble Court if he is released on bail and he is ready to offer substantial surety for his release on bail. That the accused is the only bread earner in his family and he is having aged parents and he has to look after them. If he is detained behind the bars definitely his family members will be thrown to streets. The accused is ready to abide any reasonable conditions imposed by this Hon'ble Court. The accused will undertake to appear before this Hon'ble Court as and when directed by this Hon'ble Court. Hence, prayed for allowing the bail application.

2. Learned APP filed objection contending that charge sheet submitted by I.O., would reveals that the accused has committed alleged offence and committed offence is non bailable. At this stage, if he is released on bail, he may give threat to the prosecution witnesses and tamper witness to depose before court and there may be chances of abscond. If he is released on bail, he will commit similar

offences. Hence, prayed for rejection of bail application.

3. Heard both sides.

4. The offences alleged against the accused under Sections 406, 420 of I.P.C. and this section is non-bailable in nature, the same is not punishable with death or life imprisonment and it is triable by this court. The apprehension of the prosecution this court considers that the same can be met by imposing reasonable conditions. By keeping in mind the legal principle that bail is the rule and jail is an exception and the gravity of the offence and above said facts, this court come to the conclusion that accused is entitled for bail. Accordingly, this court proceed to pass the following:

ORDER

The bail application filed on behalf of the accused is allowed subject to execution of personal bond for Rs.50,000/- with one solvent surety for like-sum with the following conditions:

1. Accused shall not threaten or tamper with the prosecution witnesses.

2. He shall appear before the court regularly.
3. He shall not commit any similar offence.
4. If he do not comply with the condition then his bail will be rejected.

For compliance:

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

In compliance of above order, the surety by name Kairunnisa, aged about 35 years, W/o. Hussain, R/at 1-43, Margada Angadi, Karpe post and village, Bantavala Taluk, D.K. District is present and filed her surety affidavit, declaration U/Sec. 441(A) of Cr.P.C and copy of Form No.9 & 11A, bearing Sy.No.104/1AP1 property No.151100204000 220146, measuring 323.75 sq.meter situated in Karpe village of Bantval taluk and copy of her Aadhaar Card.

Perused the documents. Inquired the surety, surety furnished by the accused is satisfactory. Hence surety is accepted.

Office to take Bond of surety and
accused.

For HBC.

Call on 13.01.2026

I Addl. Civil Judge & JMFC,
Karkala.