

KAVN040021302014



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC.,  
VIJAYANAGARA DISTRICT, HOSAPETE**

**PRESENT**

**SRI. PRASHANTH NAGALAPUR**

**B.B.A., LL.B (Hon's)**

**Prncipal Civil Judge & JMFC.,**

**Vijayanagara District, Hosapete**

**Dated this the 24<sup>th</sup> day of February, 2026**

**C.C.No.831/2014**

**Complainant :** State by P.S.I., Town Police Station, Hosapete

**( By A.P.P.)**

**- Versus -**

**Applicant / Accused :**

K.S.Manjunath son of Yallappa, Aged 42 years, R/o near Radio Park, Cowl

Bazaar, 1<sup>st</sup> Gate, Ballari.

**(By Sri Yogananda M, Advocate )**

**ORDER**

1. The accused has filed this application under Section 437 of Cr.P.C. seeking an order to enlarge him on bail.
2. It is stated in the application that, the Hosapete Town Police have registered false case against the accused. It is further stated that, the offences are punishable under Section 420, 468 and 511 of IPC, which are non bailable in nature. It is further stated that, the said offences are triable before this Court. It is further stated that, the accused is innocent and law abiding citizen. It is further stated that, the accused has been falsely implicated in the present case. The accused remained absent before the Court. Hence this Court issued NBW against accused . The accused appeared before the court and now he is in judicial custody. Further it is stated that the accused is only earning member of the family. Therefore, the accused has sought an order to allow the application.
3. The learned APP has filed objection to the application. It is stated that, the investigation is completed in this case and the accused has committed the alleged offences. The NBW issued against accused was executed and he was remanded to J.C. It is further stated that, if accused is released on bail, he may abscond and may not co-operate with the investigation. Therefore, the prosecution has sought an order to dismiss the application.
4. I have heard Sri Yogananda M, Advocate for accused and learned APP. I have perused the charge sheet and the documents annexed to it.

5. The following points arise for determination.

- 1) Whether the accused has made out grounds for granting bail ?
- 2) What Order ?

6. My answers to the above points are as under:-

Point No.1 .. In the Negative

Point No.2 .. As per final order, for the following;-

### **REASONS**

7. **POINT No.1** :- The accused was arrested on 20.02.2026 at Ballari and produced before the Court on the same day after the due execution of the NBW issued against him. The accused was granted anticipatory bail in CrI.Misc.5103/2013 on the file of the Court of the Hon'ble III Additional District and Sessions Judge, Ballari (Sitting at Hosapete). The accused appeared before the Court in response to summons and obtained regular bail furnishing surety on 20.05.2015. The accused did not appear before the Court during the trial from 27.09.2021. NBW and notice to the surety were issued till 23.10.2024. On 23.10.2024 the bail bond executed by the accused and surety were forfeited and bail granted to the accused was canceled.

8. This Court issued proclamation warrant and warrant of arrest against the accused from 23.10.2024 to 16.10.2025. The accused voluntarily appeared before the Court on 30.10.2025 and filed bail application. The accused was taken to custody until disposal of bail application and was released on bail on 03.11.2025. The accused was enlarged on bail with a condition to execute bond for Rs.1 Lakh and furnishing surety to the

likesum. This Court issued summons to the witnesses CW 1 and 5 on 29.12.2025. When the matter was set down for trial, the accused did not appear before the Court on 30.01.2026. This Court had to issue warrant of arrest against the accused on the said day.

- 9.** The accused was arrested under the warrant on 20.02.2026 and produced before the Court. The bail bond executed by the accused and his surety is forfeited and bail stood canceled as per the order dated 20.02.2026. The accused is in judicial custody and summons are issued to CW 1 and 5 to 8. Meanwhile, the accused appeared through his new counsel and filed the present application.
- 10.** The accused is in the habit of keeping himself absent before the Court when the matter is posted for trial. The accused has used his tactics for more than five years to delay the proceedings and harassed the witnesses. The conduct of the accused not appearing before the court when the witness appeared and dragging on the matter for no reason at all cannot be ignored in the present case. The accused has no respect to the Court and he has deliberately caused delay so far as per the material available on record. Allowing the bail application and releasing him on bail would certainly amount to abuse of process of Court in my opinion. The accused has always violated the conditions of bail and found ways to drag the proceedings with an intention to cause hardship to the prosecution as per the material available on record. If the Court grants bail to the accused, he would certainly repeat the same acts and prejudice the victim and other witnesses. The witnesses may lose confidence in the Court and the procedure laid down by law, if the accused is set free in the present case.

**11.** The accused may abscond and cause further delay in the present case, which is more than 12 years old. It has become a difficult task for this Court to secure the accused and proceed with the trial earlier. The accused has jumped the bail twice and has not paid into the Court any penalty as per the material available on record. The accused has not made any grounds for allowing the bail application. There are every chance of accused misusing the bail order and threatening the witnesses or abscond. In the facts and circumstances, the conduct of the accused warrants rejection of the bail application. Hence, **Hence I answer Point No.1 in the Negative.**

**12. Point No.2 :-** In view of the foregoing reasons, I proceed to pass the following :

**ORDER**

Application filed under Section 437 of Code of Criminal Procedure by the accused is hereby rejected.

[Dictated to the stenographer directly on the computer, corrected by me in computer, and then, pronounced by me in the open Court this the 24<sup>th</sup> day of February, 2026]

[ **Prashanth Nagalapur**]  
Principal Civil Judge & JMFC,  
Vijayanagara District, Hosapete.