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**IN THE COURT OF CIVIL JUDGE AND JMFC,  
AT HADAGALI.**

~ : **PRESENT** : ~

**SRI.VEERESH KUMAR C.K.** B.A.L, LL.M, CC [Cyber Laws]  
**CIVIL JUDGE AND JMFC.,**  
**HADAGALI.**  
**C/C CIVIL JUDGE AND JMFC.,**  
**HAGARIBOMMANAHALLI.**  
**C.C.No.194/2021**

**Date Of Orders: 09<sup>th</sup> day of January-2023**

**COMPLAINANT:** State by PSI,  
Kudligi P.S, H.B Halli Tq,  
(By learned APP)

-- ***Versus*** --

**ACCUSED:** Sri.C.M.Manjunath Swamy,  
S/o Late Veerabhdraiah,  
R/o Hanasi post,  
H.B Halli Tq., Vijayangara Dist.,  
(By Sri.B.H Advocate)

**ORDERS ON BAIL APPLICATION FILED BY ACCUSED U/S. 437  
OF CR.P.C.**

Sri.B.H Advocate has filed Vakalath for accused along with application U/s.437 of Cr.P.C., surety application, affidavit and application and RTC. It is contended in the bail application that the accused is not committed any offences, he is innocent



and law abiding citizen and his family members are depending upon his income and he is ready to furnish surety and abide by the conditions to be imposed by this Court. Hence, prayed to enlarge them on bail.

2. Learned A.P.P has filed objections to bail petition and contended that accused will obstruct to the trial and he may abscond and further delay the trial by not attending the Court. The accused is not immovable properties. The accused were earlier enlarged on bail and they had jumped the conditionals of bail and his bail bond were forfeited to the state. Thereby, prayed for rejection of bail.

3. Heard both the sides. Meticulously perused the records.

4. The point that arises for consideration is,

***Whether the accused is made out grounds for enlargement on bail ?***

5. The above point is answered in the **Negative** for the following;



**:REASONS:**

6. It is the allegation of the accused that the posing himself as Human rights protection group president threatened the informant under false pretext of selling illegal drugs and abortion tablets in the medical shop and extorted the amount of Rs. 30000/-. After that again stated demanding the money with a threat to inform to the higher officials. When the informant did not budge to give the money the accused him in filthy language and thereby the charge-sheet came to be filed against the accused for the offence punishable under 384 and 504 of IPC.

7. On perusal of the order-sheet it is found the accused soon after the commission of offence, the accused was enlarged on bail on 01.06.2021 with a condition to appear regularly before the Court on all hearing dates. However, since then the accused has not even appeared before the Court on single occasion. The NBW was pending against the accused since 02.12.2021. Then on 12.09.2022 the accused directly addressed to the Court for



recall of NBW. However the learned counsel for the accused submits that he has no information of the same. The said letter was rejected. Then the NBW against the accused was re-issued for 5 occasions. Then on 22.12.2022 at 12.15 AM he was produced on execution of NBW in the office. Having seen the state of the accused, as he was physically handicap and out of sympathy and on humanitarian grounds, he was asked to be released forthwith on his personal assurance that he would appear next date and get the NBW recalled. Even the accused undertook that he would appear in the next date before the Court. He was also asked to be left in the house of his relative in Hadagali by the Police. Thereafter he absconded the house of relative in Hadagali and reached his assurance to the Court. He even addressed letter directly to presiding officer stating unconnected aspects to the case.

**8.** The entire episode of culled out in the order-sheet and the same is extracted below:



*Case taken on board. The accused was produced in my home office on 22-12-2022 at midnight at 12.15 a.m. I was found that the accused is physically challenged and he had not taken the support leg with him. He was not in position to walk by himself and he had requested to take support of two persons. Having seen his position on humanitarian grounds he was asked whether he would appear before the council in next date of hearing without fail. To which he submitted that he would appear today without fail at 11.00 a.m. He said if he is left in his uncles home in Hadagali then he would before Court today. The Court police and warrant executing police submitted that they had secured the presence of accused with great difficulty and he is been avoiding the police since many occasions. Having believing the words of the accused he was*



*left to be hosted to be in the house of his relative in spite of execution of warrant. Accordingly on my instruction the Kudligi P.S. had left him in the home of his relative by name Prashanth S/o. Anandiah, R/o. Hadagali. So that the accused could appear before the Court and recall the N.B.W. Due to his incapacity he would not be in position use washroom and he would face extreme difficulty. But to my surprise, when the case is called out, the accused has not appeared as per his undertaking. The L/C for the accused Sri. B.H. submits when he called accused he told him that, the judge had told him not to appear and to get the warrant recalled in his absence. The Court Police of Kudligi P.S. H.C.195, submitted that when he called the relative of Accused by 5.00 a.m. in the morning, it was told to him that, the accused was in the home till 4.00 a.m. and after that he called*



*his brother and left Hadagali without informing. Later the same was asked to L/C for accused he submitted he had been to Hanasi village of accused. Only the accused mother was present and accused was not there. Wherein the L/c for accused had called accused few minutes ago, the accused told him that he would not come to court and he might appear on any other day. All above the conduct of the accused goes to show that he is misusing the empathy of court and playing fraud upon the court by making false undertaking. The same cannot be tolerated. Court police submitted that there is another criminal case pending against the accused. On perusal of order sheet it is found that since that five occasions the NBW against the accused could not be executed. The accused after securing the bail bond not appeared before court, even for one day of hearing. The*



*accused is absent on all dates of hearing since 15.09.2021. As per the condition No.3 of bail order dated 01.06.2021, the accused shall appear before the court regularly. Thereby the accused has totally breached and violated the said condition. Hence, in view of the same the bail bond of the accused stands forfeited to state. Office is directed to register separate crl.misc. case against the accused for recovery of bond amount. R/I N.B.W. against accused and notice on surety. Through CPI Kudligi. The conduct of accused appears that he wants to avoid the court proceedings. Court P.C. H.C.195, Submitted that now the accused has switched off his cell phone and he would train all his relatives from not disclosing his whereabouts. Hence, Issue proclamation against the accused. Issue notice on CPI Kudligi to secure all the immovable property*



*details of the accused and also letter to take all the steps to secure the accused.*

*Call on 13.01.2023.*

**9.** On perusal of the above order-sheet it is clear that that bail bond of the accused was forfeited and the proclamation was issued. In order to counter that the accused has submitted the medical records to suit his purpose. The accused has made up an habit of violating of the conditions of the bail and without any respect to the proceedings of the court and trial. The act of the accused in violating the conditions of the bail cannot be tolerated and does not deserve any discretion of bail. If he is released on bail then there is every possibility in once again of violating the conditions of the bail.

**10.** The alleged offences against the accused is serious in nature and the punishment is up to 3 years. The presence of the accused is very much necessary for the purpose of trial and identification purpose. If the accused is released on bail then their would hindrance for conclusion of the trial expeditiously.



In view of the same the accused does not deserve to be released on bail and his application requires to be dismissed. Thereby proceed to pass the following :

**ORDER**

- ***Bail application filed by accused U/Sec. 437 of Cr.P.C. is hereby rejected.***
- ***For production of accused and HBC by 23.01.2023.***

*(Directly dictated to the Stenographer on computer, typed by him, corrected and then pronounced in the Open Court, by me, on this the 09<sup>th</sup> day of January 2023.)*

**Dated:09-01-2023**

**(VEERESH KUMAR C. K.)  
CIVIL JUDGE AND JMFC.,  
HADAGALI.  
C/C CIVIL JUDGE AND JMFC.,  
H.B.HALLI.**