

IN THE COURT OF ADDITIONAL SESSIONS JUDGE - III, KASARAGOD

Present: Sri.Achindya Raj Unni, Addl. Sessions Judge -III

Monday, the 16th day of February 2026/27th Magha, 1947**Crl. M.P. No.1/2026****in SC No. 755/2022 in****Crime No.359/2019 of Manjeshwar Police Station**

Between:-

Arshad, S/o.Ibrahim, R/at Ayisha Manzil,
Chinala Masjid, Kuloor, Manjeshwar,
Kasaragod District.

}

Petitioner/Accused No.2.

And

State Represented by Additional
Public Prosecutor, Kasaragod.

}

Respondent/
Complainant.

Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on behalf of the petitioner/accused number 2 for regular bail.

Petition presented on : 10.02.2026

This petition coming on 13th day of February, 2024 for final hearing before me in the presence of S/Sri.Abdul Nasir K and Jebin Thomas, Advocates for petitioner; of Additional Public Prosecutor for respondent (State) and having stood over to this day for consideration; the Court passed the following:

ORDER

The present petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on behalf of the petitioner/accused number 2 for regular bail.

2. The petitioner herein is the second accused in SC No.755/2022 arising out of the Crime No.359/2019 of Manjeshwar Police Station, who allegedly committed the offences punishable under Section 341, 326, 308 & 120(B) r/w 34 of the Indian Penal Code (hereinafter referred to as 'the IPC')

3. **The Case of the petitioner/accused in brief is as follows:** The petitioner stated that he is innocent and has not committed any offences as alleged

by the respondent/complainant. The petitioner was arrested and produced before this Court and now he is in judicial custody. It is further stated that the petitioner is ready to abide by any conditions imposed by this Court while granting bail and is ready to cooperate with the trial. Hence, this application.

4. Notice of the bail application served to the learned Additional Public Prosecutor. He vehemently opposed the bail application and filed a detailed written objection.

5. Heard both sides.

6. Point for consideration is:-

1) Is the petitioner entitled to be released on bail?

7. **The point:-** The Additional Public Prosecutor submitted that the accused had previously absconded after being enlarged on bail in this case. If he is again enlarged on bail, there is every chance that the petitioner will influence the witnesses and abscond from the law. Hence, he prays to dismiss the bail application.

8. The Assistant Legal Aid Defence Counsel appeared for the petitioner and stated that the petitioner is innocent and falsely implicated in this case. He is ready to cooperate with the trial and undertakes to abide by any condition imposed by this Court, while granting bail.

9. On perusal of case records, it is found that the petitioner/accused number 2 was on bail at the committal stage. Upon the receipt of the case records, this Court issued a summons against the petitioner/accused number 2. In pursuance of the summons issued by this Court, it is reported that the accused is undergoing judicial custody at District Jail, Mangalore, in another case. Hence, this Court issued a production warrant against the accused. In pursuance of the production warrant issued from this Court, the petitioner/accused number 2 was produced before this Court on 06.03.2024, and my predecessor in office has remanded the

accused to judicial custody. Thereafter, he has been in judicial custody in the present case.

10. This Court has carefully considered the facts of the case, the arguments made by both sides and the materials placed on record. Admittedly, the petitioner has been in judicial custody since 06.03.2024. Furthermore, this Court is of the considered view that the apprehension expressed by the learned Additional Public Prosecutor can be addressed by imposing stringent conditions. In these circumstances, given the period of incarceration already served by the petitioner, this court holds that there is no need to retain the petitioner in further custody. Therefore, this Court is of the considered opinion that the petitioner can be released on bail subject to strict conditions.

As a result, the petition is **allowed** as follows.

1. The petitioner/accused number 2 shall be released on bail on his executing a bond for ₹.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the Court.
2. The petitioner/accused number 2 shall regularly remain present during the trial, and cooperate with the Court to complete the trial for the above offences.

(Dictated to the Confidential Assistant, transcribed and typed by him, revised and corrected by me and pronounced on this the 16th day of February 2026)

Sd/-
ADDL. SESSIONS JUDGE-III
KASARAGOD.

Typed &
Compared by: Beena N

FAIR/COPY OF
ORDER
in Crl. M.P. No.1/2026
in SC No. 755/2022 in
Crime No.359/2019 of
Manjeshwar Police Station

DATED: 16.02.2026