

IN THE COURT OF SESSIONS, KASARAGOD DIVISION

Present : Smt.Priya.K, Additional Sessions Judge-II, Kasaragod

Monday, the 24th day of November, 2025

CRIMINAL M.P No.6612 OF 2025 in SC No.906/2025
in Crime No.521/2025 of Kumbala Police Station

Between:-

Rafi.P, aged 34 years,
 S/o. Ashraf.K.,
 Perwad Nagar,
 Perwad Kadappuram.

}

Petitioner/Accused

And

State,
 Represented by Addl.Public
 Prosecutor-II, Kasaragod.

}

Respondent/Complainant

Petition filed U/s.483 of Bhartiya Nagarik Suraksha Sanhita, 2023 to release the petitioner on bail.

This petition presented on : 19.11.2025

This petition coming on this day for hearing before me in the presence of Sri.Fayiz Mahin, Advocate for the Petitioner; of Sri.Chandramohan.G, Additional Public Prosecutor for the Respondent (State); the Court passed the following:

ORDER

This is an application for bail u/s.483 of the Bharatiya Nyaya Sanhita, 2023.

2. Petitioner is an accused in the above case registered for the offences punishable u/ss.126(2), 118(1), 115(2) and 110 of the BNS.

3. Prosecution case is that, on 14.06.2025 at 16.30 hours, at Kumbbla, Koippady Village, Manjeshwar Taluk, near the concern namely, Rahman Metals, the accused wrongfully restrained CW1, voluntarily caused hurt and grievous hurt on him by beating him with hands and by stabbing him with a knife which is a dangerous weapon. The accused attempted to stab CW1 with a knife on his neck, with the knowledge that by such act if he caused the death of CW1, he would be guilty of culpable homicide not amounting to murder. Thus, the accused committed the above mentioned offences.

4. The petitioner submitted that he was arrested on 14.06.2025 and was produced before the court. He is in remand for the last 158 days, he is innocent in this case. He hadn't committed any offences as alleged. He is offering sureties for his release. He prayed to enlarge him on bail.

5. Notice of the bail application was served to the investigating officer. He opposed the application and the Station House Officer, Kumbbla filed a detailed report.

6. Heard both side.

7. **Point that arise for consideration is :-**

“Whether the petitioner is entitled to be released on bail?”

8. **The Point:-** Learned Counsel for the petitioner submitted that the petitioner hadn't committed any offence as alleged. Petitioner is ready to abide by any conditions, if he is released on bail.

9. Learned Additional Public Prosecutor opposed the bail application by stating that the offences are of serious in nature. The investigation is complete and charge sheet is filed. If the accused is released on bail, there is a possibility of accused threatening the witnesses and destroying the evidence.

10. In **Arvind Kejriwal v. Central Bureau of Investigation, (2025 KHC 6503)** Hon'ble Supreme Court of India held that, "*The evolution of bail jurisprudence in India underscores that the 'issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitised judicial process'* (Gudikanti Narasimhulu v. Public Prosecutor, 1978 (1) SCC 240). The principle has further been expanded to establish that the prolonged incarceration of an accused person, pending trial, amounts to an unjust deprivation of personal liberty. This Court in **Union of India v. K.A. Najeeb** has expanded this principle even in a case under the provisions of the Unlawful Activities (Prevention) Act, 1967 (**hereinafter 'UAPA'**) notwithstanding the statutory embargo contained in S.43D(5) of that Act,

laying down that the legislative policy against the grant of bail will melt down where there is no likelihood of trial being completed within a reasonable time (Union of India v. K.A. Najeeb, AIR 2021 SC 712). The courts would invariably bend towards 'liberty' with a flexible approach towards an undertrial, save and except when the release of such person is likely to shatter societal aspirations, derail the trial or deface the very criminal justice system which is integral to rule of law. ”

11. I have perused the prosecution records. On perusal of the case records, it is found that the petitioner is in remand in this case from 14.06.2025 till this day. The investigation is completed and charge sheet is already filed. What is remaining is trial. If the petitioner is further detained in judicial custody, it will result a pretrial detention by the court. To procure the presence of the petitioner for the trial in this case, bail can be granted to the petitioner with some conditions.

12. Considering the period of detention undergone by the petitioner, this court is inclined to grant bail to the petitioner. Hence, point is found in favour of the petitioner.

In the result, the petition is allowed on the following conditions;

- 1) The petitioner shall execute a bond for ₹1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum.
- 2) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such fact to the court.
- 3) The petitioner shall not tamper with the evidence and shall not influence the witnesses.
- 4) The petitioner shall not commit any similar offence while on bail.
- 5) The petitioner shall not leave India without prior permission of the court.

If condition Nos.1 to 5 are violated, the bail granted to the petitioner is liable to be cancelled.

The office of the court is directed to send a soft copy of this order by email to the petitioner/prisoner through the Superintendent of the jail concerned today.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, this the 24th day of November, 2025).

NPV/-

Sd/-
**ADDITIONAL SESSIONS JUDGE-II,
KASARAGOD.**

//True Copy//

Copy of order in
Crl. M.P.No.6612/2025
in SC No.906/2025
Dated: 24.11.2025