



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.16891 OF 2025

BETWEEN:

MR. RICHARD DSOUZA
S/O PATRIC DSOUZA,
AGED ABOUT 52 YEARS,
PERMANENTLY R/AT NO.2-81,
KAVATHAR GURI HOUSE,
KAVATHAR POST AND VILLAGE, MULKI TALUK,
RECENTLY R/AT FLAT NO.105, 'B' WING,
1ST FLOOR, VARDHAN CHS LTD.,
LAKSHMIBEN CHEDDA MARGH,
NILLEMOR, NELASOPPAR (WEST),
PALGAR-401 203.
(NOW IN JUDICIAL CUSTODY)

...PETITIONER

(BY SRI. BALAKRISHNA M. R., ADVOCATE)

AND:

STATE OF KARNATAKA
BY MULKI PS, D.K., DISTRICT,
REPRESENTED BY ITS STATE PUBLIC
PROSECUTOR,
HIGH COURT BUILDING,
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. RAHUL RAI K., HCGP)

THIS CRL.P FILED U/S 482 CR.PC (FILED U/S 528 BNSS)
PRAYING TO QUASH THE CONDITION NO.2 i.e, IN ADDITION
HE SHALL FURNISH CASH SURETY OF RS. 1,00,000/- BEFORE
THE TRIAL COURT IMPOSED BY HONBLE II ADDL. DISTRICT
AND SESSIONS JUDGE, D.K., MANGALURU IN



CRL.MISC.NO.1122/2025 VIDE ORDER DATED 03.12.2025 AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

ORAL ORDER

Learned HCGP accepts notice for the State.

2. Heard both sides and perused the material on record.

3. Petitioner is aggrieved by certain conditions imposed by the learned Sessions Judge while enlarging him on on regular bail.

4. FIR is registered against the petitioner in Crime No.17/2025 of Mulki Police Station, D.K. District for the offence punishable under Sections 406 and 420 of IPC.

5. The learned II Additional District and Sessions Judge, D.K. Mangalore, vide order dated 03.12.2025 in Crl.Misc.No.1122/2025 was pleased to enlarge the petitioner on bail and imposed the following conditions.

"1. He shall execute a personal bond for Rs.2,00,000/- with two local sureties for the likesum to the satisfaction of the Court.



- 2. In addition, he shall furnish cash surety of Rs.1,00,000/- before the trial Court.*
- 3. He shall co-operate for completion of investigation.*
- 4. He shall not tamper with the prosecution witnesses.*
- 5. He shall appear before the jurisdictional court regularly.*
- 6. He shall not leave jurisdictional court without permission from the court.*
- 7. He shall not involve in any crime or commit the similar crime.*
- 8. Violation of any of the conditions, the prosecution is entitled to seek for cancellation of bail."*

6. The learned counsel contended that petitioner is presently settled in Mumbai along with his family and therefore furnishing of local sureties is an onerous condition which the petitioner is not able to comply. He further contended that the learned Sessions Judge in addition to that has directed the petitioner to furnish cash surety of ₹ 1,00,000/-, which is not warranted.



7. He relied on a decision of the Hon'ble Supreme Court in ***Keshab Narayan Banerjee v. State of Bihar*** reported in ***AIR 1985 SC 1666***, wherein the Apex Court observed that furnishing cash security virtually amounts to denial of bail itself.

8. The petitioner has undertaken to co-operate with the investigation of the case and available for investigation whenever necessary. There is a condition imposed by the learned Sessions Judge reserving liberty to the prosecution to seek cancellation of bail, if the conditions are violated. Hence, the conditions imposed by the learned Sessions Judge, directing the petitioner to furnish two local sureties as well as cash surety can be relaxed.

9. Further, as it is submitted that the petitioner has his avocation in Mumbai and settled there along with his family members, condition No.6 which stipulates that he shall not leave the jurisdictional court without permission of the court, can be modified. Accordingly, the following

ORDER

Petition is **allowed**.



(ii) The condition No.1, wherein the petitioner has been directed to furnish two local sureties is hereby modified and he is directed to furnish two sureties for the like sum amount, to the satisfaction of the jurisdictional court.

(iii) Condition No.2, directing the petitioner to furnish cash surety of ₹ 1,00,000/- is hereby set aside.

(iv) In modification of condition No.6, petitioner is directed to be available for investigation, whenever called for.

Rest of the conditions shall be intact.

Petition is ***disposed of.***

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

AP
CT:TSM
List No.: 1 Sl No.: 36