

ORDER ON BAIL APPLICATIONS FILED BY ACCUSED NO.1 AND 2

The accused no.1 and 2 filed applications U/Sec.437 of Cr.P.C. seeking enlarged them on bail by contending that they have not committed any offence and falsely implicated in this case. The investigation already completed, they are no more required for investigation. They are only bread earner care taker of their family, ready to furnish surety and prayed to release them on bail.

Learned APP filed objections to oppose the bail applications filed by the accused no.1 and 2 by contending that these accused persons have committed heinous and non-bailable offence. They are habitual offenders, these accused persons also involved in so many theft cases pending before the Khanapur courts i.e., CC.38/2018, CC.39/2018, CC.40/2018, CC.41/2018, CC.42/2018, CC.43/2018, CC.54/2018, CC.55/2018, CC.95/2018, CC.97/2018, CC.98/2018, CC.99/2018, CC.127/2018, CC.128/2018, CC.129/2018, CC.130/2018, CC.131/2018.

These accused persons also involved in so many theft cases pending before the Hon'ble courts of Belagavi, Dandeli, Kittur, Dharwad and Hubli. If they released on bail there may be chances that they will commit similar offences, they may tamper the prosecution witness and abscond from the jurisdiction of this court. Hence he prayed to reject the application.

Heard both side

For the following points arise for my consideration.

1. whether the accused no.1 and 2 are entitle to release on bail ?
2. What order ?

My answer to the above points are hereunder.

Point no.1. in the Negative .

Point no.2. As per final order, for the following

REASONS

The Khanapur police have register the said crime and filed charge sheet to be punishable U/Sec.454, 380 of IPC. The investigation seized stolen properties from the custody of these accused persons. These accused persons have

committed heinous offences. These accused persons been produced under body warrant since 10.11.2017.

These accused persons involved in so many theft cases which are pending before this court i.e., CC.38/2018, CC.39/2018, CC.40/2018, CC.41/2018, CC.42/2018, CC.43/2018, CC.54/2018, CC.55/2018, CC.95/2018, CC.97/2018, CC.98/2018, CC.99/2018, CC.127/2018, CC.128/2018, CC.129/2018, CC.130/2018, CC.131/2018.

These accused persons also involved in so many theft cases pending before the courts of Belagavi, Dandeli, Kittur, Dharwad and Hubli. Moreover, these accused persons are not permanent residents of local jurisdiction. The accused no.1 is resident of Goa State and accused no.2 resident of Hubli. Such being the facts, if these accused persons released on bail they may tamper the prosecution witness and abscond from the jurisdiction of this court. Then its very difficult to secure these accused persons. If these accused persons released on bail there may be every possibility that they will commit similar offences, then bad message goes to the society. There is every possibility of tampering the witnesses. Hence, the applications filed by the accused no.1 and 2 are deserve to be rejected. For the above said reasons the accused no.1 and 2 are not entitled to release on bail. Hence I answer the point no.1 in the negative.

Point no.2: In view of above discussion I proceed to pass the following

ORDER

The applications filed by the accused no.1 and 2 under section 437 of Cr.P.C. are hereby rejected.

Call on hearing date.

C/c Prl.C.J & JMFC, Khanapur.