

KABK730004732022

SC/5035/2022

**IN THE COURT OF I ADDL. DISTRICT & SESSIONS JUDGE,
BAGALKOT TO SIT AT: JAMKHANDI, AT: JAMKHANDI.**

* * *

Before: Sri. Arjun.S.Mallur.

B.A.L., L.L.B.,

I Addl. District & Sessions Judge,
Bagalkot to sit at Jamkhandi.

Dated: this 12th day of July, 2023**S.C.No.5035/2022****Petitioners:**

- 1) Sri.Ganapati S/o Bhimashankar Veerschetti
R/o Padanur village Tq:Indi,
Dist:Vijayapur

..Accused**(Rep.by Advocates Sri.M.S.Ravaloji/R.R.Padaganur)****-Vs-****Respondent:**

The State of Karnataka,
PSI,JKD Rural P.S

(Rep. by Public Prosecutor, Jamkhandi)

:: ORDERS ON BAIL APPLICATION FILED U/S.439 of Cr.P.C.::

The petitioner/accused No-8 has filed bail application U/s.439 of Cr.P.C. contending that he has been falsely implicated in this case and he has not committed any offence much less the alleged offence and that initially he was on bail, but he was implicated in another case and was remanded to judicial custody and secured under body warrant in this case and therefore he could not appear before this court and that the petitioner now has been released on bail in the pending case before the Prl.District And Sessions Court Vijayapur and that the petitioner is ready and willing to furnish surety to the satisfaction of this court and abide by any of the conditions imposed by this court and on these grounds sought for release him on bail.

2. The prosecution has opposed grant of bail contending that the petitioner is absconding and the accused who has absconded in the original case in SC No.115/2019 and he is involved in many offences of similar nature and if he enlarged on bail there is every likelihood of petitioner absconding from the process of the court and thereby he would frustrate the trial and on these grounds sought for rejecting of the bail application.

3. Heard the counsel appearing for the petitioner and the learned public prosecutor for the State and perused entire material on record.

4. The points for consideration are as under:

(1) Whether the petitioner/accused No-8 has made out justifiable grounds for release on bail at this stage?

5. My answer on the above point is in the **Affirmative**, for the following....

::REASONS::

6. This is a split up charge-sheet filed against the petitioner/accused No-8 who was originally accused No-8 in SC No.115/2019. The accused has been charge-sheeted for the offence punishable U/s.342,365,395 of IPC which are triable by this court, but not punishable with life imprisonment or death. The petitioner was on bail before the committal court and his bail was continued and he jumped the bail conditions and warrant came to be issued against him. Subsequently it was ascertained that he was involved in some other case and he was lodged at Vijayapur jail and petitioner was secured under body warrant and remanded to judicial custody in this case.

7. The investigating officer has already completed the investigation in the original case in SC No.115/2019 pending for trial before this court. It is submitted that the petitioner has enlarged on bail in the case pending before on the file of Prl.District & Sessions Court Vijayapur. The petitioner is a resident of Padanur village, Indi Taluka, Vijayapur district. Taking into consideration these aspects it would be just and proper to exercise discretion in granting bail in favour of petitioner, but by imposing suitable conditions. Accordingly I answer point No-1 in the **affirmative** and pass the following....

::O R D E R::

Application filed by the petitioner/accused No-8 U/s.439 of Cr.P.C. is **allowed**.

The petitioner/accused No-8 shall be enlarged on bail in for the offences punishable U/s.342,365,395 of IPC on the following conditions:

- 1.The petitioner/accused No-8 shall execute personal bond for sum of Rs.1,00,000/- with one surety for the like sum.

2. The petitioner/accused No-8 shall undertake to appear before the court on all dates of hearing without fail and co-operate in the expeditious disposal of the case.

(Dictated to the stenographer, transcribed & typed by him, script corrected, signed by me and then pronounced in the open court on this the **12th day of July, 2023**).

(Sri.Arjun S.Mallur.)
I Addl. District & Sessions Judge,
Bagalkot, to sit at Jamakhandi.

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