

KACM010002702024



**IN THE COURT OF II ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT CHIKKAMAGALURU**

Dated this the 25th day of June, 2024

: PRESENT :

Sri. Guruprasad Kulkarni, B.A., LL.B (Hons)
II Addl. District & Sessions Judge
Chikkamagaluru

S.C. 08/2024

Complainant:

State by Gonibeedu Police,
Mudigere Taluk.

(Rep/by the Public Prosecutor)

-V/s-

Accused:

Chandra S/o Late Dyavayya,
Aged about 42 years,
R/o Kiragunda Colony, Kuragunda,
Mudigere Taluk.

(Rep/by Sri N.D, DCLADC)

ORDER

This is a bail application filed on behalf of the accused
under Section 439 of Cr.P.C for enlarging him on bail.

2. BRIEF FACTS:

The Gonibeedu Police have registered the case against the accused for the offence punishable under Section 302 of IPC for having committed murder of his wife. The police have taken up investigation and after completing investigation they have submitted charge sheet against the accused. The Ld., Magistrate has taken cognizance of the alleged offence and thereafter having complied with Section 207 of Cr.PC has committed this case before this court for trial.

3. At the stage of hearing before charge the bail application is filed on behalf of the accused contending that a false case has been registered against him. He is innocent of the alleged offence. The accused is having aged old parents and two daughters who are dependent upon him for their livelihood. The accused has deep roots in the society and comes from respectable family. The accused is ready to offer surety and to abide by the conditions imposed by the court in the event of his release on bail. Hence it is prayed to allow the bail application.

4. Per contra, the Ld., Public Prosecutor has opposed the bail application contending that there are prima face material to show that the accused has committed the alleged offence. There is likelihood that the accused may abscond and flee from justice thereby hampering the trial. It is also contended that the accused may threaten the prosecution witnesses and tamper with the evidence in the event he is released on bail. Hence, it is prayed to reject the bail application.

5. Heard both sides.

6. Following are the points that arise for my consideration:-

1. Whether the accused deserves to be enlarged on bail?

2. What order?

7. My answer to the above points is as under:

Point No.1: In the affirmative,

Point No.2: As per final order for the following;

REASONS

8. **Point No.1**:- The genesis of the complaint is that on 13.10.2023 at 8.00 p.m the accused suspecting the

fidelity of his wife Padmavathi has committed her murder. The factors governing the grant or refusal of bail is the nature and gravity of the alleged offences. Whether prima facie case is made out against the accused. Whether the accused is an habitual offender having criminal antecedents. Whether he is likely to abscond and hamper trial. Whether his presence could be secured at the time of trial. Whether the accused may threaten the prosecution witnesses, influence or that he may tamper with the evidence. It is to be borne in mind that the bail is a rule and jail is an exception. The liberty of an individual holds paramount importance while allowing or rejecting the bail.

9. Having considered these factors it is apparent that the alleged offences are heinous in nature. The police have concluded the investigation and charge sheet is submitted. The accused is no more required for custodial interrogation. The matter is pending trial. The accused does not having any criminal antecedents.

10. The cardinal principles of criminal jurisprudence dictates that every person is innocent until his guilt is proved.

At this stage, the matter is pending trial and the guilt or innocence of the accused is yet to be established by due process of law. I find that the apprehension of the prosecution can certainly met with by imposing stringent conditions for release of the accused on bail. No effective purpose would be achieved by detaining the accused in judicial custody until the trial is concluded. Hence, I am of the considered view that the accused be released on bail. Accordingly, I answer point No.1 in the **Affirmative**.

11. **Point No.2**:- For the aforementioned reasons, I proceed to pass the following;

ORDER

The bail application filed on behalf of the accused under Section 439 of Cr.P.C is hereby **ALLOWED**.

The accused is enlarged on bail on execution of personal bond for sum of Rs.50,000/- along with one surety for the likesum subject to the following:-

CONDITIONS

1. The accused shall not commit the offences of similar nature which he is alleged to have committed.

2. The accused shall not directly or indirectly induce, threaten or promise the witnesses which would dissuade them from disclosing true facts before the court or tamper with the evidence.

3. The accused shall appear before the court on all the dates of hearing and shall not delay the trial.

(Dictated to the Stenographer Grade-I typed by him, corrected and pronounced by me in the open court on this the 25th day of June, 2024)

Sd/-

Guruprasad Kulkarni
II Addl. District and Sessions Judge
Chikkamagaluru