

KACM010017452024



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

Dated this the 06th day of August, 2024

: PRESENT :

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

S.C. 75/2024

Complainant:

State by Lingadahalli Police,
Tarikere Taluk.

(Rep/by the Public Prosecutor)

-V/s-

Accused:

1. Manjunatha D.C.,
S/o Chandrappa,
Aged about 31 years,
Labourer,
R/o Doranalu village,
Tarikere Taluk,
Chikkamagaluru District.

2. Chandrappa,
S/o Late Rangappa,
Aged about 59 years,
Labourer,
R/o Doranalu village,
Tarikere Taluk,
Chikkamagaluru District.

(Both are Rep/by Sri H.M.Sudhakar Adv.)

ORDER

This is a bail application filed on behalf of the accused Nos. 1 and 2 under Section 439 of Cr.P.C for enlarging them on bail.

2. BRIEF FACTS:

The Lingadahalli Police have registered the case against the accused Nos.1 and 2 for the offence punishable under Section 504, 448, 323, 324, 307 and 506 R/W Section 34 of IPC. The police have taken up investigation and after completing investigation they have submitted charge sheet against the accused Nos.1 and 2. The Ld., Magistrate has taken cognizance of the alleged offences and has committed this case before this court for trial.

3. At the stage of hearing before charge the accused Nos.1 and 2 have filed this bail application contending that a false case has been registered against them. They are innocent of the alleged offences. They are having deep roots in the society and they belong to respectable family. They are ready to offer surety and to abide by the conditions imposed by the court. 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 Nos.1 and 2 have committed the alleged offences. There is likelihood that the accused Nos.1 and 2 may abscond and flee from justice thereby hampering the trial. It is also contended that the accused Nos.1 and 2 may threaten the prosecution witnesses and tamper with the evidence in the event they are 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 Nos.1 and 2 deserve 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 prosecution has alleged that on 28.03.2024 at 8.00 p.m the accused Nos.1 and 2 with an intention to commit the murder of the complaint trespassed into his house, intentionally insulted, assaulted him with a dragger to his forehead and left forearm causing simple and grievous injuries and also caused criminal intimidation to him.

9. I have considered the nature of accusation, severity of punishment for the alleged offences which are neither punishable with life imprisonment or death, the nature of supporting evidence, reasonable apprehension of tampering with the witnesses, apprehension of threat to the complainant and prima facie materials submitted by the prosecution in support of the charges levelled against the accused.

10. The investigation in the present case is over and the accused are no longer required for custodial interrogation. The material on record do not indicate that the accused are prone to commit such criminal acts if released on bail and neither there is any material to suggest that the accused are having criminal

antecedents or may threaten the prosecution witnesses or tamper with the evidence. It is unlikely that the accused may flee from justice hampering fair trial.

11. It is well settled principle that the bail is a rule and jail is an exception. The personal liberty of an individual holds paramount importance while considering the bail. 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 Nos.1 and 2 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 Nos.1 and 2 on bail. No effective purpose would be met by detaining the accused Nos.1 and 2 who are incarcerated since their arrest. The detention of accused during trial is not warranted in this case. Hence, I am of the considered view that the accused Nos.1 and 2 deserve to be released on bail. Accordingly, I answer point No.1 in the Affirmative.

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

ORDER

The bail application filed for accused Nos.1 and 2 is hereby **ALLOWED.**

The accused Nos.1 and 2 shall be released on bail on executing personal bond for a sum of Rs.50,000/- each along with one surety for the likesum subject to the following:-

CONDITIONS

1. They 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.
2. They shall appear before the court on all the dates of hearing and shall not delay the trial.

(Dictated to the Stenographer Grade-III typed by her, corrected and pronounced by me in the open court on this the 6th day of August, 2024)

Sd/-
Guruprasad Kulkarni
II Addl. District and Sessions Judge,
Chikkamagaluru.