

ORDERS ON BAIL APPLICATION

Accused No.1 is in JC. He has filed the bail application under Section 437 of Cr.P.C, seeking for his release on bail in the above case for the alleged offences P/U/S 457 and 380 of IPC.

2. It is contended that the accused No.1 is innocent of the alleged offence and he has not committed any offences. It is further contended that he has deep roots in the society and offers surety for his release and there is no chance to absconding. accused No.1 further undertakes to appear before the Court whenever directed to do so and undertakes to abide by all the terms and conditions to be imposed by this Court.

3. On the other hand learned A.P.P has filed her objections wherein it is stated that the accused No.1 has committed non bailable offense, and the same is prima-facie made out. If the accused No.1 is enlarged on bail, he may absconded and repeat similar offence, besides threatening the prosecution witnesses and tampering with the prosecution material, thereby hampering trial of this case. Hence, on these grounds, the learned A.P.P has prayed for rejection of the bail application.

4. Heard the learned counsel for accused No.1 as well as learned A.P.P. Perused the bail application, objections of learned A.P.P and materials available on record.

5. The following points arise for my consideration:

1. Whether accused No.1 is entitled for bail?
2. What order?

6. My answers to the above points, are as hereunder:

Point No.1: In the affirmative.

Point No.2: As per final Order, for the following:

REASONS

7. Point No.1: Materials available on record at this stage would disclose that the offence alleged against the accused No.1 is punishable U/Sec.457 and 380 of IPC and the accused No.1 is in JC from 14.01.2022. Though the alleged offences are non-bailable in nature, but the said offences are not punishable either with death or imprisonment for life and also the offences are triable by this Court only. The accused No.1 has further undertook to abide by the conditions imposed by this Court. Further, charge sheet has already been submitted against the accused No.1. Thus, having regard to the nature and gravity of the offences alleged against the accused No.1 as well as keeping in view the apprehension of the prosecution, this Court is of consideration to release the accused No.1 as the apprehension of the prosecution could be safeguarded by imposing stringent conditions on the accused No.1 and that the further custody of accused

No.1 in JC is not necessary. Hence, Point No.1 is answered in the **Affirmative.**

8. Point No.2: In view of the discussion made under Point No.1, this Court proceed to pass the following:

ORDER

Bail application filed by the accused No.1 under Section 437 of Cr.P.C, is hereby allowed. Accused No.1 is released on bail subject to payment of Rs.3,000/- as fine for violating earlier bail terms and on the following conditions.

CONDITIONS

- 1) Accused No.1 shall execute personal bond for a sum of Rs.1,00,000/- and furnish one local surety for likesum.
- 2) He shall not commit any offences in future and shall appear before this court on all hearing dates regularly, without fail.
- 3) He shall not threaten or influence the prosecution witnesses or tamper with the prosecution material.
- 4) Violation of any of the above terms shall render in cancellation of bail without further reference;

To furnish surety by: 20.03.2023, till then JC of accused No.1 stands extended.

Call on 20.03.2025.

Sd/-

**Prl. Civil Judge and J.M.F.C,
Mudigere.**