

Case advanced to today's board. Accused No.1 and 2 are present. Sri.MVJ Advocate for accused No.1 and 2 files IA U/Sec.72(2) of BNSS. Heard and perused.

NBW against accused No.1 and 2 is recalled on penalty of Rs.100/- each.

2. Learned counsel also filed vakalath for accused No.1 and 2 along with bail application U/sec.480 of BNSS, praying to enlarge the accused No.1 and 2 on bail for offense P/u/s.32, 34 and 36(1)(B) of Karnataka Excise Act.

3. In the bail application, it is contended that the accused No.1 and 2 are innocent and not committed any offences as alleged, they are not an influential persons to tamper the prosecution witness and they are ready to abide by the conditions imposed by this Court. They also undertakes to appear before the Court whenever directed to do so. With these averments it is prayed for enlarging the said accused No.1 and 2 on bail.

4. Learned A.P.P has filed statements of objections to the bail application contending that the accused No.1 and 2 have committed the offences P/u/s.32, 34 and 36(1)(B) of Karnataka Excise Act. The offences committed by the accused No.1 and 2 are non-bailable in nature. If accused No.1 and 2 are enlarged on bail there are chances of they remaining absconded and repeating similar offences, besides threatening the prosecution witnesses and tampering with the prosecution material. On these grounds, learned A.P.P has prayed for rejection of the bail application.

5. Heard learned counsel for accused No.1 and 2 as well as learned A.P.P. Perused the bail application, objections of learned A.P.P and materials available on record.

6. The following points arise for my consideration.

1) Whether accused No.1 and 2 are entitled for bail?

2) What order?

7. The answers of this Court on the above points are as hereunder.

Point No.1: In the affirmative.

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

REASONS

8. Point No.1: On perusal of materials on record, it is evident that the offences alleged against the accused No.1 and 2 is punishable P/u/s.32, 34 and 36(1)(B) of Karnataka Excise Act. Though the alleged offense is non-bailable in nature, but the said offences are not punishable either with death or imprisonment for life. The said offences are triable by this Court only. Hence, having regard to the nature and gravity of the offences alleged against the accused No.1 and 2, this Court is of consideration that there should not be any legal hurdle to enlarge the accused No.1 and 2 on bail, as no purpose would be served in detaining the accused No.1 and 2 in judicial custody till the disposal of this case. Therefore, this Court considers to release the accused No.1 and 2 on bail by imposing conditions so as to safeguard the apprehensions of prosecution. Hence, point No.1 is answered in the '**Affirmative**'.

9. Point No.2: In view of the discussion made on point No.1, this Court proceed to pass the following:

ORDER

Accused No.1 and 2 are released on bail subject to following conditions.

CONDITIONS

- 1) Accused No.1 and 2 shall execute a personal bond for a sum of Rs.50,000/- each with one surety for likesum.
- 2) They shall not commit similar offences in future.
- 3) They shall appear before this Court on all the dates of hearing regularly, without fail.
- 4) They shall not threaten the prosecution witnesses or tamper with the prosecution material;

Sd/-

**I Addl. Civil Judge and J.M.F.C,
Mudigere.**

Surety for accused No.1 and 2:

Surety by name P.B.Poornesha, aged about 60 Years, S/o late Burudegowda, R/o. Pattadur Village, Billur Post, Mudigere Taluk, is present and produced RTC pertaining to the land in Sy.No.20/2, measuring 1.32 acres, situated at Pattadur Village, Banakal Hobli, Mudigere Taluk.

Perused, satisfied, surety is accepted. Office is directed to take bond.

Call on hearing date.

Sd/-

**I Addl. Civil Judge and J.M.F.C,
Mudigere.**