

CC.1104/2025

Accused No.1 is present. Sri.SD advocate files vakalath for accused No.1 along with bail application U/sec.480 of BNSS, praying to enlarge the accused on bail for offences P/u/s.32, 34 and 36B of Karnataka Excise Act.

2. In the bail application, it is contended that the accused is innocent and not committed any offences as alleged, he is not an influential person to tamper the prosecution witness and ready to abide by the conditions imposed by this Court. Accused also undertakes to appear before the Court whenever directed to do so. With these averments it is prayed for enlarging the accused on bail.

3. Learned A.P.P has filed her statements of objections to the bail application contending that the accused has committed the offences P/u/s.32, 34 and 36B of Karnataka Excise Act. The offense committed by the accused is non-bailable in nature. If accused is enlarged on bail there are chances of him 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.

4. Heard learned counsel for accused 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 the accused No.1 is entitled to bail?

2. What order?

6. 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

7. Point No.1: On perusal of materials on record, it is evident that the offences alleged against the accused is punishable P/u/s.32, 34 and 36B 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, this Court is of consideration that there should not be any legal hurdle to enlarge the accused on bail, as no purpose would be served in detaining the accused in judicial custody till the disposal of this case. Therefore, this Court considers to release the accused on bail by imposing conditions so as to safeguard the apprehensions of prosecution. Hence, Point No.1 is answered in the '**Affirmative**'.

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

ORDER

Accused No.1 is released on bail subject to following conditions.

CONDITIONS

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

Sd/-

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

Surety for accused No.1:

Surety by name Sandesh, aged about 37 years, S/o. M.A. Rajshekar, R/o Indranagara, Nandipura Village and Post, Mudigere Taluk, is present and produced RTC pertaining to the land in Sy.No.79 measuring 0.12 guntas, situated at Kannapura Village, Kasaba Hobli, Mudigere Taluk.

Satisfied, surety is accepted. Office to take bonds.

Copy of charge sheet materials furnished to the accused No.1.

Re-issue summons to accused No.2 by:14.08.2025.

Sd/-

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