

ORDER ON BAIL APPLICATION
UNDER SECTION 437 OF Cr.P.C. FILED
BY ACCUSED PERSON

This is the bail application filed by Accused person under Section 437 of Cr.P.C. praying to enlarge him on bail for the offences punishable under Section 380 of IPC.

2. It is stated in the application that the above said accused has not committed any of the offence and he is innocent of the commission of alleged offence as alleged by the complainant police. He is only earning member of family and he shall undertake to appear before the court on all dates of hearing and prayed to allow the bail application.

3. The learned APP filed her objections to the bail application contending that prima-facie it appears that the above said accused person has committed the alleged offence and if he is released on bail, he may commit similar offences and may tamper with the prosecution witnesses and may abscond from the jurisdiction of this court. Further the learned A.P.P. also submitted that the accused is a habitual

offender. Further stated that C.C. No. 1494/2018 for the offence punishable under Sec. 380 of IPC is registered before the jurisdictional Court on the basis of the final report of Kundapura Police Station, C.C. 27/2018 for the offence punishable under Sec. 380 of IPC is registered before the jurisdictional Court on the basis of the final report of Navanagara Police Station, Bhagalakote district and Crime No. 39/2016 for the offence punishable under Sec. 380 of IPC is registered before the jurisdictional Court on the basis of the final report of Mudhola Police Station, Bhagalakote district against the accused. As such be accused person is a habitual offender and therefore prays to dismiss the above bail application.

4. Heard the arguments on the both sides and perused the records placed before the court. Learned Counsel for the Accused vehemently argued that the above accused is arrayed as Acused No.1 in the above case and the above case is split up charge sheet filed against the above accused as he had remained absent in the original C.C. No. 238/2018. further submitted that due to the lack of communication the accused had failed to

appear before the Court and his absence before the Court was neither intentional nor deliberate. Further submitted that in C.C. No. 238/2018 the accused no.2 has already been acquitted by this Court. As such the hampering of any evidence of prosecution does not arise.

5. The points that arise for my consideration are as follows :-

Point No.1 : Whether the accused person has made out sufficient grounds to allow the bail application?

Point No.2: What order?

6. My answer to the above points are as follows:-

Point No.1 : In the Affirmative.

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

REASONS

7. **POINT No.1:** The complainant police have filed the filed report against the above accused and another for the offence P/U/Sec. 380 of IPC. Thereupon C.C. No. 238/2018 was registered. As the presence of the above accused was not secured the

above split up charge sheet is filed against the above accused. As rightly pointed out by the counsel for above accused the accused No.2 is already acquitted in C.C. 238/2018. Further the alleged offence is exclusively triable by this Court. Mere registration and pendency of Criminal Case would come in the way for enlarging an accused on bail. There is no prospect of completion of trial in the near future date. Such being the stage of the case, if the accused person is remanded to custody, no purpose of the prosecution would be served. On the other hand, the apprehension of the prosecution can be meted out by imposing certain stringent conditions as the accused himself is ready to abide by the conditions imposed by this court. The alleged offence is not punishable with death or imprisonment for life. Hence, I answer **Point No.1** in the **Affirmative.**

8. **POINT No.2** For the reasons given above, I proceed to pass the following :-

ORDER

The bail application filed by accused person under Section 437 of Cr.P.C is

hereby allowed subject to following conditions:

1. That the accused person shall execute personal bond for sum of Rs.25,000/- with two sureties for likesum.
2. That the accused person shall not tamper with the prosecution evidence.
3. That the accused person shall appear before the court on all dates of hearing.

In case of breach of the bail conditions, the Prosecution shall be at liberty to apply for cancellation of the bail.

Office is directed to inform the jail superintended above bail order through E-mail.

**Sd/-
CJ and JMFC: Sringeri.**

Counsel for accused present. Prays time for H.B.C.

Accused is produced before the Court through V.C. from J.C. informed about the grant of bail in the above case to the accused. The J.C. of the accused is extended till 04.12.2025.

**Sd/-
CJ and JMFC: Sringeri.**