

ORDERS ON BAIL

Accused No.1 by name Mohammed Safan S/o Mohammed Haneef has filed the application under Section 437 of Cr.P.C., with a prayer to enlarge him on bail.

2. In the application it is contented that the offence that is alleged is under Section 379 of IPC.; he is innocent and has not committed any offence; he is permanently residing in the address mentioned in the cause title; the offence that is alleged though is non-bailable in nature, but the same is not punishable with death of imprisonment for life; he is ready willing to abide by any conditions that may be imposed against him. Hence, the prayer to allow the application.

3. Resisting the said application, the Learned APP has filed the objections contending that the offence alleged is serious and non bailable in nature; that if the Accused No.1 is granted bail there is a chance that he would threaten or influence the witness or attempt to tamper with the evidence. Hence, the prayer to reject the application.

4. Heard the Learned Counsel appearing for Accused No.1 and the Learned APP.

5. Having heard both sides and perusal of the materials on record, the sole point that would arise for my consideration is as under;

"Whether the Accused No.1 is entitled for bail?"

6. My answer to it would be in the '***Affirmative***' for the following

REASONS

7. The present Accused is alleged to have committed offence under Sections 379 of IPC.

8. The Accused No.1 was earlier admitted to bail during the crime stage. But, he had failed to appear before the Court subsequent to filing of the charge-sheet and hence, the case against him was order to be split-up and the case in C.C. No. 345/2023 came to registered against him. Thereafter, he had entered appearance in the said split-up case and since this case was still at the pre-trial stage, the said split-up case was ordered to be merged along with the present main case. Subsequently, the Accused No.1 failed to appear and hence, NBW came to issued against him on several occasions and in pursuance of which, the Police have secured him and he was produced before the Court on 08.06.2024 and remanded to J.C. Noticing the above conduct of the

Accused No.1, it appears that though Accused No.1 has act negligently, only on the said ground, the present bail application cannot be rejected in the backdrop of the entire investigation being completed and the charge-sheet being filed. But, the Accused No.1 requires to be sufficiently warned to appear before the Court regularly and co-operate for the speedy disposal of the case. It is also made clear that despite this warning, if Accused No.1 fails to regularly appear before the Court, the same would be viewed seriously. With these observations, I answer the point raised for my consideration in the '**Affirmative**' and proceed to pass the following -

ORDER

Application filed by Accused No.1 by name Mohammed Safan S/o Mohammed Haneef under section 437 of Cr.P.C is hereby allowed. He is enlarged on bail subject to the following -

CONDITIONS

1. He shall execute a personal bond for a sum of Rs.50,000/- with one surety for the like sum; and
2. He shall appear before the Court on all hearing dates unless exempted and shall co-operate with the speedy disposal of the case; and

3. He shall not influence or intimidate witnesses or tamper with the evidence; and

4. He shall refrain himself from indulging in any criminal activity of the like-nature; and

5. He shall furnish particulars of his a) permanent address, b) present address, c) address of his workplace (if any), d) mobile number/s and e) E-mail ID (if any).

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

At this stage, Learned Counsel for the Accused No.1 filed the application under section 445 of Cr.P.C. with the request to permit the Accused No.1 to deposit cash security instead of surety. Perused the application, satisfied with the reasons stated therein and accordingly, the Accused No.1 is permitted to deposit the cash security of Rs.3,000/- instead of furnishing surety.

Issue body warrant against Accused No.4.

For charges. Call on : 19.06.2024.

CJ and JMFC: Sringeri.