

**ORDER ON APPLICATION FILED UNDER
SECTION 437 of Cr.P.C.**

The counsel for accused No. 1 has filed the bail application under Sec.437 of Cr.P.C.

2. In the bail application the counsel for accused No.1 submitted that the Gundlupet Police have registered the case against the accused No.1 for the offences punishable under Section 3 and 7 of E.C. Act. It is further stated that accused No.1 is innocent and law-abiding

citizen and he was not committed any offences as alleged by the Police. The alleged offences against accused not punishable either with death or imprisonment of life. The accused is permanent residence of Terrivendrom, Kerala State and having movable and immovable properties in his village. The accused No.1 is in J.C.

The accused is ready to furnish the surety for the satisfaction of the Hon'ble court and also he is ready to obey any conditions put by this court. On these and among other grounds prays to allow the above said bail application.

3.The learned APP has filed a statement of objection and contended that the police have registered a case against the accused for the offence punishable under Section 3 and 7 of E.C Act. If the accused is released on bail in this case he may tamper the prosecution witnesses and may also abscond from the jurisdiction of the court. The offences against the accused is non-bailable in nature. Accordingly learned A.P.P. prayed for rejection of the above bail application.

4. Heard the arguments. Perused the records.

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

1. Whether the accused No.1 is entitled for bail as prayed for?

2. What order?

6. My answers to the above points are as follows:

Point No.1	In the Affirmative
------------	--------------------

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

REASONS

7. **Point No.1:** The Gundlupet police have registered a case against accused for the offences punishable under Section 3 and 7 of E.C. Act. The said offences are non-bailable in nature and not punishable death or imprisonment for life. The alleged offences against the accused triable by this court. The accused is in judicial custody since 30.08.2023. In the application accused has stated that he is ready to furnish the surety and obey the conditions imposed by this court. Based on the submission made by the accused in his application it is just and proper condition, if the accused is released on bail, there is no hardship caused to the prosecution. I do not find any justifiable reasons to reject the bail application of accused as contended by the prosecution. The

objection of learned APP can be set at rest by imposing suitable conditions on accused.
Accordingly, I answered point No.1 in the affirmative.

8. Point No.2: In view of the answer to point No.1, I proceed to pass the following:

ORDER

The bail application filed by the accused No.1 under Section 437 of Cr.P.C is hereby allowed. The accused No.1 is released on bail on executing personal bond of Rs.50,000/- with one surety and cash security of Rs. 5,000/- along with following:

Conditions

- Accused No.1 shall attend the Court on all hearing dates.
- Accused No.1 shall not tamper the prosecution witnesses.
- Accused No.1 shall not indulge in any similar offences in future.

For surety

Senior Civil Judge & JMFC.,
Gundlupet

The counsel for accused furnished surety by name Manjunatha S/o Javarashetty, aged about 46 years, R/at Shivapura villaghe, Hangala Hobli, Gundlupet Taluk, Chamarajanagara District, who is the owner of the land bearing survey No.42/2, situated at Siddapura village, Hangala Hobli, Gundlupet Taluk. Surety is present and ready to stand as surety for release of accused. Perused the Surety Affidavit, Declaration Affidavit, RTC Extract, Xerox copy of Aadhar card. Surety is accepted for release of accused No.1. Office hereby directed to take bail bond.

Issue release intimation to the Jail authority to release accused No.1, if he is not required in any other cases.

Call on 03.11.2022.

Senior Civil Judge and
JMFC.,
Gundlupet