

Case called out. Accused present. Sri. HD., advocate filed vakalath on behalf of accused and filed bail application.

Further, the learned APP has filed objection to application U/Sec.480 BNSS. Heard arguments,

For orders.

**ORDERS ON BAIL APPLICATION FILED U/ S 480 of BNSS**

The counsel for accused filed Bail Application U/Sec.480 BNSS., and prays to release of accused on bail for the alleged offence U/Sec.352, 353(1), 292 of BNS and U/Sec. 66, 84C of Information Technology Act. In the bail application it is contended that the accused has not committed any offense as alleged by complainant and the accused is innocent for the alleged offenses. The alleged offense is even though non-bailable in nature but not punishable with death or life imprisonment. Further stated that the accused is having very good family and there is no criminal case pending against him and he is having movable and immovable property and deep root in the society and also he is law abiding citizen. The accused undertake to abide by the conditions and appear before the Court regularly and ready to offer surety for his release on bail.

2. Per contra the learned APP has filed objection to bail application, contending that, the present bail application is not maintainable either on law or on facts U/Sec.352, 353(1), 292 of BNS and U/Sec. 66, 84C of Information Technology Act are non-bailable offenses, if accused is enlarged them on bail. He is hamper or tamper the prosecution witnesses and they might have abscond from the case, which will be caused to the delay in disposing the case. It is prima-facie found that, accused has committed offense, there are no reasonable grounds to grant the bail application for the accused. Prays to reject the bail application.

3. I have heard the arguments, from both sides. On perusal of the above said facts, the following points would arise for my consideration.

1. Whether the accused is entitle for bail?
2. What order?

5. My findings on the above points are as under;

Point No.1: In the affirmative.

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

### **REASONS**

**6. Point No.1:-** As per the material on record, the alleged offenses punishable U/Sec.352, 353(1), 292 of BNS and U/Sec. 66, 84C of Information Technology Act are triable by this court and not punishable with death or imprisonment for life. Further, accused persons undertake to appear before the Court on all dates of hearing. The

objection of the learned APP is that accused might has abscond, if certain conditions are imposed while granting bail, it would meet out the objection of the learned APP. Hence, by considering the reasons stated in the bail application if the accused is released on bail on certain conditions the same may meet the objection of prosecution. Hence, I proceed to following;

**ORDER**

The bail application filed by the accused U/Sec.480 of BNSS., is allowed.

The accused released on bail for the offenses punishable U/Sec.352, 353(1), 292 of BNS and U/Sec. 66, 84C of Information Technology Act on executing personal bond of Rs.50,000/- with a surety for the like sum on the following;

**Conditions:-**

- The accused shall appear before the Court regularly without fail.
- He shall not give threat to the prosecution witnesses in any manner.
- He shall not indulge in same offenses in any manner.

Accordingly the advocate for accused produced surety affidavit. Surety by name Lakshmana S/o Nagappa Pulabhavi, aged about 41 years, Agriculturist, R/o Pulabayar Doddy, Kakkera village, Surapura taluk Yadagiri district is present and offer surety for accused. Surety

has filed surety affidavit and produced RTC Extract bearing Sy.No.769, measuring 3 acres, 1 gunta, situated at Kakkera village & hobli, Surapura taluk, Yadagiri District. Said the land is standing in the name of surety. Surety has filed declaration U/Sec. 486 of BNSS stating that, he stands as surety for accused.

Perused surety affidavit and RTC extract, surety is satisfied with materials on record. Hence his surety is accepted and office is hereby directed to take bail bond and surety bond.

Call on for charge by

**Prl. Sr.CJ & CJM.,  
Davanagere.**