

Counsel filed vakalath and bail application U/sec.437 of Cr.P.C on behalf of accused and memo with certified copy of the orders passed in Crl.Mis No.606/2021 by the Hon'ble I Addl. District and Session Court,Davanagere.

Learned APP has filed objection to bail application.
Heard on application,
For orders

ORDER ON BAIL APPLICATION UNDER SECTION
437 OF Cr.P.C.

This is an application filed by Advocate for accused No.1 to 11 under Section 437 of Cr.P.C. praying to enlarge them on bail for the offence punishable under Sections 143,147,148, 504,323,324,354,427,506 R/W 149 of IPC.

The accused No.1 to 11 contended in the bail application that they have not committed any offences alleged by the complainant police and they are the innocent of the offences as alleged in the complaint. They preferred to file Criminal Mis Petition in Criminal Mis No.606/2021 before the I Addl. District & Session Judge Davanagere and the same was allowed. As per the direction of the Hon'ble Court they filed present application.

They are the bread earner of their family consisting of aged parents. They have not committed any offence punishable with death or imprisonment of life. They have undertake to appear before this Hon'ble Court in all dates of hearings and abide by the conditions imposed against them and they are ready to offer surety to the satisfaction of this court on their release. On all among the other averments learned counsels prayed to allow the application.

The learned Assistant Public Prosecutor has filed objection to the application.

Heard the learned counsel for accused and learned Assistant Public Prosecutor.

I have perused the prosecution papers and bail application.

The complainant police have registered the case against accused persons for the offence punishable under Sections 143,147,148,504,323,324,354,427,506 R/W 149 of IPC. Although the offence is non-bailable in nature, it is not punishable with death or imprisonment for life. Accused No.1 to 11 have obtained Anticipatory bail from the Hon'ble I Addl. District & Session Judge, Davanagere in Crl. Mis No.606/2021 dated 26-07-2021. After granting anticipatory bail, there is no change in the circumstances of the case. It is not the case of the prosecution that after grant of anticipatory bail, the accused have violated the conditions imposed by the Hon'ble I Addl. District & Session Judge, Davanagere in Crl. Mis No.606/2021 dated 26-

07-2021. , further the offences alleged against the accused No.1 to 11 are exclusively tribal by this court. Such being the case, the accused No.1 to 11 are entitled to bail. In view of the above reasons, I proceed to pass the following:

ORDER

The bail application filed by the accused under Section 437 of Cr.P.C. is hereby allowed.

The Accused No.1 to 11 are enlarged on bail subject to execution of personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with each separate sureties for the like sum, with the following conditions.

1. The petitioners shall surrender before the IO within 30 days from the date of this order. In the event of their appearance, the IO is at liberty to interrogate them.
2. The petitioners No. 1,4, 11 and 11 shall mark their attendance before the respondent police on every Sunday between 10.00 a.m. to 5.00 p.m. till filling the charge sheet.
3. The petitioners shall co-operate the IO in the matter of investigation.
4. The petitioners shall not directly or indirectly threaten the prosecution witnesses.
5. The petitioners shall be regular before the concerned court without fail.

6. If the petitioners fail to abide by any of the conditions, the bail order would automatically stands cancelled.

(Smt.Shama Shrivathsa)
I Addl. Civil Judge & JMFC.
Channagiri.

Surety namely Smt. Manjamma D/o Gurappa, Aged 55 years, R/oHaleshpura Village, Channagiri taluk is present and filed surety affidavit and produced RTC extract of land bearing Sy.No.35/61 totally measuring 1 Acre 20 Guntas situated at Guddakormanahalli village, Basavapatna Hobli, Channagiri Taluk. She submits that she knows the accused persons who are her relatives and she is ready to stand as surety for the accused persons and produce them on all hearing dates. Perused the surety affidavit and documents. Being satisfied, she is accepted as surety for the accused persons.

Office is directed to take bond.

Put up after final report.

I Addl. Civil Judge & JMFC.,
Channagiri.