

**ORDERS ON BAIL APPLICATION FILED U/Section
437 OF CR.P.C.**

Accused No.3 has filed bail application U/Section 437 of Cr.P.C., seeking his enlargement on bail, stating that, he has not committed any offence as alleged in the charge-sheet, as such he is innocent. That the alleged offence is punishable **Section 379 of I.P.C.** is not punishable with death or imprisonment for life. The Accused No.3 is respectable citizen of the society and they is not involved in any criminal case. The Accused No.3 is innocent and he has old aged parents and he is the only earning member in his family and his entire family depends on him. **Accused No.3** is permanent resident of **Challakere Town, Chitradurga** District, that he is a law abiding citizen and he has movable and immovable properties in his native place and there is no chances of his absconding and he has got roots in the society and he is ready to abide conditions put-forth by the Court and also ready to furnish surety and security

for enlarging him on bail. Hence, prayed to allow the application.

2. The Learned APP has opposed the bail petition by filing objections stating that, there is prima-facie material to believe that the **Accused No.3** has committed the offence alleged by the prosecution. That if the **Accused No.3** is released on bail he will abscond and tamper the evidence of the prosecution. That there is every chances that, the **Accused No.3** is commit the similar type of offence if he enlarge on bail at this stage. Hence, prayed to reject the application.

3. I have heard the arguments of both the sides.

4. The following point arises for the consideration.

POINTS

1. Whether **Accused No.3** is entitled to be released on bail ?

2. What order ?

5. My answer to the above points for consideration are as under:

Point No.1:- Affirmative.

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

REASONS

6. **Point No.1**:The Jagalur Police have registered a case against **Accused No.3**, alleging that he has committed offence **under Section 379 of I.P.C.** As rightly stated by the counsel for the **Accused No.3**, the alleged offence is not punishable with death or imprisonment for life. Further, the entire investigation in the case is completed and the I.O has submitted the final report. In such circumstances, sending the Accused No.3 behind the bar will not serve any purpose. On the other hand, the accused No.3 is ready to abide by the conditions put-forth by the Court and also ready to furnish surety and security for enlarging him on bail. Considering the said aspect, this Court is of the opinion that, the accused No.3 is entitled for bail. Anyhow the apprehension of the prosecution can be safeguarded by

imposing stringent conditions on the accused No.3. Accordingly, I answer the point No.1 in Affirmative.

7. **Point No.2**:- In view of above conclusion, I proceed to pass the following:

ORDER

The bail application filed by accused No.3 is hereby allowed.

The accused No.3 is released on bail on his executing personal bond for Rs.50,000/-, with one surety, subject to following:

CONDITIONS

1. The accused No.3 shall not tamper or threaten the prosecution evidences.
2. He shall regularly appear before this Court on all dates of hearing.
3. He shall not commit the similar offence.

**Civil Judge and J.M.F.C.,
Jagalur.**

Surety by name **M.Mallaiah @ Mallaiah S/o Huccha Mallaiah, Age: 62** years, Occ: Agriculturist, R/o Malloorahalli village, Tal: Challakere & Dist: Chitradurga. He has produced RTC of his land bearing **Sy.No.112/1**, measuring 04 acres 3 guntas, situated at Malloorahalli village, Nayakanahatti Hobli, Tal: Challakere & Dist: Chitradurga. Further, he stated that he is ready to stand as surety for enlargement of **accused No.3** on bail. Surety found satisfactory. Hence, accepted.

Take bonds accordingly.

Civil Judge and J.M.F.C., Jagalur.

NBW issued against accused No.3 is hereby recalled on penalty of Rs.100/-.

Civil Judge and J.M.F.C., Jagalur.