

ORDER ON APPLICATION FILED
UNDER SECTION 439 OF Cr.P.C.

The accused No.19 has filed bail application under section 439 of Cr.P.C. seeking grant of bail in Crime No.17/2021 of Barke Police Station, registered for the offences punishable under Sections 143, 147, 148, 353, 332, 506, 307 r/w Section 34 of IPC.

2. The brief facts of the prosecution case are as follows:

On 25.04.2021 in the morning accused Nos.1 to 10 made an attempt to kill under-trial prisoners Mohammed Jainuddin and Ansar, at that time, the jail staff went to barrack and questioned the accused Nos.1 to 10 as to why they had creating nuisance in the cell, the accused Nos.1 to 8 made an attempt to assault the jail staff and other accused raised voice against the jail staff.

3. It is submitted by learned counsel for the accused No.19 that all the accused have been already granted bail, he has been produced from time to time under body warrant. The accused No.19 is a permanent resident of the address mentioned in the cause title of the application and seeks to enlarge the accused on bail.

4. Learned Public Prosecutor has filed objections. It is submitted by learned Public Prosecutor that the accused herein and others have made an attempt to assault the jail staff and also assaulted other under-trial prisoners. There are so many cases registered against the accused and he is the habitual offender and if at this stage released on bail, he may escape from the clutches of law and justice. Hence, she seeks to reject the bail application.

5. Heard both side.

6. Having heard, learned counsel for accused No.19 and learned Public Prosecutor for State and on perusal of material placed on records, the following points that arise for my consideration;

1. Whether accused No.19 has made out satisfactory grounds for enlarging him on bail?
2. What order?

7. My findings to the above points are as follows;

Point No.1:- Affirmative

Point No.2:- As per the final order,
on the following reason;

REASONS

8. **Point No.1**: The material placed on record indicates all the accused have already been granted bail except accused No.19. The allegation against this accused is that he and others raised voice against the jail staff. The accused has been produced in this case under body warrant. Taking into consideration of the nature of the allegation made against the accused No.19, I am of the opinion that he is entitled to be enlarged on bail. Hence, I answer point No.1 in the 'Affirmative'.

9. **Point No.2**:- In view of aforesaid reasons, I proceed to pass the following;

ORDER

The bail application U/s.439 of Cr.P.C., filed by accused No.19 is allowed on executing self bond for sum of Rs.1,00,000/- along with two sureties for likesum subject to following conditions:

1. He shall attend the Court regularly till conclusion of this Case.
2. He shall not involve in any similar offences in future.

II Addl. District & Sessions Judge,
D.K., Mangaluru.