

28.05.2024

ORDERS ON BAIL APPLICATION U/Sec.437 of Cr.P.C
FILED BY THE ACCUSED

Sri.V.K.M, Advocate filed Vakalath for accused and bail application U/s.437 of Cr.P.C seeking to enlarge him on bail for the alleged offences against accused punishable under Sec.11(1)(d) of Prevention of Cruelty to Animals Act.

2. The learned APP filed objection to the application filed by accused.

3. Heard both the sides.

4. The following points arise for consideration;

1. Whether the bail application filed by the accused U/Sec.437 of Cr.P.C deserves to be allowed?

2. What order?

5. Findings to the above points are as follows;

Point No.1: In the **Affirmative**

Point No.2: As per final order
for the Following;

REASONS

6. **Point No.1:** The case of the prosecution is that, the alleged offences against accused is non-bailable in nature and he has not made out any reasonable grounds to release him on bail. Further, if the accused is enlarged on bail, there may be chances of tampering

the prosecution witnesses and he may abscond from the jurisdiction of this court. Therefore, accused is not entitled for any bail from this Hon'ble court.

7. On the other hand, counsel for accused argued that, accused has not committed any alleged offences and he has got valid defense in the above case. The alleged offence is exclusively triable by this Court and not punishable with life imprisonment or death sentence and the accused is a law abiding citizen and ready to abide by any conditions imposed by this court.

8. Here the alleged offence against the accused punishable under Sec.11(1)(d) of Prevention of Cruelty to Animals Act is non-bailable in nature. The apprehension of the prosecution can be saved by imposing reasonable conditions upon the accused, which will meet ends of justice. Therefore, considering the facts and circumstances of the present case, the bail application filed by the accused deserves to be allowed. Hence, this court answers **Point No.1 in the Affirmative.**

9. **Point No.2:-** In view of the above discussion, this court proceed to pass the following;

ORDER

The bail application filed by the accused under Sec.437 of Cr.P.C. is hereby allowed by imposing the following conditions:

1. The accused shall execute personal bond for sum of Rs.50,000/- with a surety.
2. The accused shall not tamper the prosecution evidence and shall not threaten the prosecution witnesses in any manner.
3. The accused shall not indulge in similar type of offences in future.
4. The accused shall appear before this court on all dates of hearing without fail.

To furnish surety

Sd/-

Civil Judge & JMFC,
Moodbidri

Later in compliance of order, accused has furnished surety by name Mr.Robert Crasta, Aged about 85 years, S/o late Sebastian Crasta, R/at 15-115, Kaje Bail, Karinje Village, Moodbidri Taluk, D.K.District, is present before court and expressed his willingness to stand surety to accused and offered land bearing Sy.No.57/15 measuring 0.19.00 acres situated at Karinje Village, Moodbidri Taluk. As per his affidavit the market value of the said property is more than Rs.10,00,000/-. He has attached RTC of the said property and copy of his Aadhar Card.

Surety enquired, satisfied and accepted and he is ready and expressed his willingness to offer surety for the accused.

Perused records. His surety-ship is accepted. Surety to execute bond.

Office is directed to take necessary bail bonds from surety and accused.

For charge by **21.10.2024**

Sd/-

Civil Judge & JMFC,
Moodbidri