

Order on bail application filed U/sec.437 of Cr.P.C

The counsel for the accused No.1 to 10 has filed bail application U/s.437 of Cr.P.C on behalf of the accused No.1 to 10 wherein it is contended that the accused are innocent of accusation made against them. Accused have been falsely involved in this case. Accused have been produced under Body Warrant on 27.06.2015 and since then they are in custody. The offence alleged against the accused is non bailable, but not punishable with death or imprisonment for life. Accused are permanent residents of Ahmedabad of Gujarat State. Accused are only earning members of their respective family. Accused persons are ready and willing to furnish surety and abide by the conditions to be imposed by this court, if they are released on bail. Hence, prays for release of accused No.1 to 10 on bail.

The learned APP has filed objections to the above bail application contending that the contents of bail application are all false. Accused persons are involved in other 09 cases of different Police Stations and Rs.22,50,000/- cash and 04 motorcycles and one car have been recovered from the possession of accused persons. Accused have not furnished their correct residential addresses. There is need of further investigation in the matter. There is also need of obtaining of counter verification regarding their residential addresses as they are from Gujarat State. Against these accused persons there are 02 robbery cases and 07 theft cases have been registered. If the accused persons are released on bail, they may abscond and not appear before Court for trial and commit similar offence and tamper the prosecution witnesses. Hence, prays to reject the bail application.

Heard learned counsel for accused and learned APP.

On perusal of records, the police have registered a case against the accused for the offence punishable U/sec. 379 of IPC. The offence alleged against accused persons is non-bailable in nature, but not punishable with death or imprisonment for life.

Hence, the apprehension of the prosecution may be safeguarded by imposing certain conditions. Hence, this Court proceed to pass the following:

ORDER

The bail application U/sec.437 of Cr.P.C on behalf of accused No.1 to 3 is allowed with following conditions:

Conditions

1. The accused No.1 to 10 are enlarged on bail on cash surety of Rs.10,000/- each with one local surety.
2. The accused No.1 to 10 shall not tamper the prosecution witnesses.
3. The accused No.1 to 10 shall not repeat the similar offence or any other offence.

For production of surety, call on 10/09/2015.

Prl. Civil Judge & JMFC,
Hubballi.