

IN THE COURT OF ADDL. DISTRICT & SESSIONS
& SPL JUDGE, AT: HASSAN

PRESENT

SMT. SHEILA B. M.

**M.Com., LL.M,
Addl. District & Sessions &
Spl. Judge, Hassan.**

DATED THIS 3rd DAY OF SEPTEMBER 2024.

SPL. CASE .No 78/2018

Petitioner/Accused:

Abhilash B.S. S/o Swamygowda
Aged about 29 years,
R/o Bhaktharavalli Village,
Kunduru Hobli,
Aluru Taluk.

(By Sri S.P.A, Advocate)

//Vs.//

Respondent

The State of Karnataka,
Through Aluru Town Police,
(Rep.by Spl. Public Prosecutor Hassan)

ORDER ON BAIL PETITION FILED U/SEC.439
OF CR.P.C.,

The petitioner/accused has filed this bail petition under section 439 of Cr.P.C. for grant of regular bail order in this case.

2. It is mentioned in bail petition that he has not committed any offence. He is innocent. He has already obtained bail order. He couldn't appeared before court due to

his ill-health. He is in judicial custody from 14.02.2024. He is permanent resident of address mentioned in the cause title of the petition and having both movable and immovable properties in his village. If the accused is not released on bail, he and his family members will be put to great hardship and irreparable loss. He is ready to abide any conditions to be imposed by this court. It is prayed that bail petition is to be allowed with conditions.

3. Learned Spl. Public Prosecutor has filed objection to bail petitions contending that bail petition is not tenable under law. He has reiterated contents of complaint, FIR and charge sheet materials. The evidence collected by IO through charge sheet materials has reasonably believe that this accused has committed the offence. The offences alleged are serious, grave in nature and punishable with death or life imprisonment and fine. If he is released on bail, he may tamper prosecution witnesses. He may destroy prosecution evidence. He may abscond from jurisdiction of this court. There are no valid grounds to grant bail to this accused. It is prayed that bail petition is to be dismissed.

4. The complainant has appeared after receipt of notice of bail petition and filed objection to bail petition contending that if he is released on bail, he may commit offence of complainant and prosecution witnesses. He is

not entitled for bail. It is prayed that bail petition is to be dismissed.

5. This court has heard arguments on both sides and perused records carefully.

6. The following points are arisen for my consideration for decision on bail petition as under;

- 1) **Whether petitioner/accused has made out valid grounds for grant of regular bail order under section 439 of Cr.P.C. in this case ?**
- 2) **What order ?**

7. My answer to above points are as under;

Point No.1:- In affirmative

**Point No.2:- As per final order
for following;**

:REASONS:

8. **POINT NO.1:-** I have carefully gone through contents of bail petition, objection, charge sheet materials and other records. This court has granted regular bail to this accused/petitioner as per bail order. Accused has violated bail conditions. Once bail is granted, it is continued till cancellation. Accused has suffered tuberculosis as per report from J/A dated 07.08.2024 discharge summary issued by HIMS hospital, Hassan. All offenses are triable by this court. It is a fit case to grant bail

with conditions in favour of this petitioner. I have constrained to answer point No.1 in affirmative.

9. **POINT NO.2:-** In result, I proceed to pass following;

ORDER

The bail petition filed under section 439 of Cr.P.C., by petitioner is hereby allowed with conditions.

CONDITIONS

- (1). This petitioner/accused is enlarged on regular bail order on execution of personal bond and one surety bond for Rs.60,000/- each.
- (2). He shall not threat complainant and prosecution witnesses.
- (3). He shall not commit similar type of offences again.
- (4). He has to attend court regularly.

(Dictated to typist online directly in computer and corrected then pronounced by me in open court on 3rd day of September, 2024.)

**(SHEILA B.M.)
ADDL.DISTRICT AND SESSIONS &
SPL. JUDGE, HASSAN.**

(order pronounced in the open court vide separate order)

ORDER

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**ADDL.DISTRICT AND SESSIONS &
SPL. JUDGE, HASSAN.**