

ORDER ON BAIL APPLICATION FILED BY ACCUSED
U/S 437 of Cr.P.C.

1. Counsel for the accused No.5 has filed vakalath and along with bail application U/s.437 of Cr. P.C., seeking enlargement of the accused on bail.
2. In the application, it is stated that police have charged the accused for offence punishable U/s.506(b), 143, 147, 447, 379, 341, 354, 506 r/w 149 of IPC. Further, accused No.5 has not committed any offence as alleged and accused No.5 is ready to abide by the conditions, which may be imposed by the court. Contending the same counsel for accused No.5 prays for enlargement of the accused No.5.
3. On the other hand, the learned APP filed objections strongly opposing the bail application and submitted that the accused No.3 has committed the offences punishable U/s. 506(b), 143, 147, 447, 379, 341, 354, 506 r/w 149 of IPC. Among which offence punishable under section 354 of IPC is non bailable in nature and if the accused No.5 is enlarged on bail, he may hamper the investigation, tamper the prosecution evidence and threaten the prosecution witnesses and may abscond from the jurisdiction of this court. Contending same APP prays for rejection of the bail application.
4. Heard the arguments of both counsel.
5. On perusal of the materials placed before this court, following points arise for the consideration of this court.

“Whether the accused No.5 is entitled to bail U/s.437 of Cr.P.C.?”

6. The finding of this court to the above point is in the '**Affirmative**'.
7. On perusal of documents placed on record it appears that though one of the alleged offences is non-bailable in nature, but the same are not punishable with death or life imprisonment. It is triable by this court. Pre-trial detention is unwarranted at this stage. As accused No.5 is ready to abide by the conditions imposed by the court. It appears from the records that the accused is the residents of **Agrahara Village of Holenarasipura Taluk**. Apprehension of the prosecutions can be taken care by impositions of appropriate conditions as follows.
8. Accordingly, this court proceeds to pass following;

ORDER

The bail application filed by the counsel for accused No.5 U/sec.437 of Cr.P.C., is hereby allowed subject to following:

CONDITIONS

1. The accused No.5 shall execute a personal bond for a sum of Rs.10,000/- with one surety for likesum;
2. The accused No.5 shall not tamper the prosecution evidence and shall not threaten the prosecution witnesses;
3. The accused No.5 shall not repeat any type of offence;
4. The accused No.5 shall appear before this court as and when summoned.

Surety by name Nagaraju S/o. Late Honnegowda, Aged about 70 years, R/at. Thattekere Village, Kasaba Hobali, Holenarasipura Taluk, Hassan District is present and filed RTC bearing Sy.No.99/2A measuring 0-2 guntas situated at Thattekere Village, Kasaba Hobali, Holenarasipura Taluk, Hassan District and offered to stand as surety for the accused No.5. Surety produced xerox copy of Aadhaar card and declaration.

Perused, satisfied and accepted. Office is directed to take bond.

**Addl. Civil Judge & JMFC,
Holenarasipura.**