

ORDER ON BAIL APPLICATION FILED U/S
437 OF CR.P.C

Accused No.2 has filed the bail application u/s 437 of Cr.P.C. seeking release her on bail. It is submitted that the Haveri Town Police Station have registered the case against her for the offences punishable u/s 201, 420, 465 R/w Sec.34 of IPC. Accused No.2 is innocent and has not committed any offences alleged against her. Accused No.2 is the wife of accused No.1 and they obtained bail from this Court. Accused No.2 was pregnant she could not able to attend before the Court. Accused No.2 is already obtained anticipatory bail from Hon'ble 1st Addl. District and Sessions Court, Haveri in Crl.Misc.No.772/2018 dated 22.11.2018. She is ready to furnish the surety to the satisfaction of the Court. Hence, prays to enlarge her on bail.

2. The learned Sr. APP has opposed the bail application by filing objections. According to

her, accused No.2 has obtained anticipatory bail on 03.06.2017 with the condition that she shall appear before IO or jurisdictional Magistrate within 10 days from the date of the said order. The accused No.2 has not appeared before the IO or jurisdictional Magistrate within 10 days from the date of the said order. Hence, she has been shown abscond in the charge sheet. As such she cannot avail the benefit of anticipatory bail. Since 2017 September there is a NBW against the accused No.2. If the accused No.2 is enlarged on bail, she may abscond and may avoid trial, she may tamper the prosecution witnesses. Among other grounds, she prayed to reject the bail application.

3. Heard the arguments and perused the material on record.

4. Police have already completed the investigation and have filed charge sheet. None of the offenses are punishable with death or life imprisonment. Moreover, the alleged offences

are triable by this Court only. Accused No.2 is already obtained anticipatory bail from Hon'ble 1st Addl. District and Sessions Court, Haveri in Crl.Misc.No.772/2018 dated 22.11.2018. Already charge sheet is filed, the presence of the accused No.2 is not required for investigation. The apprehension of the prosecution can be taken care of by putting reasonable conditions. For the foregoing reasons, in the opinion of this Court, the accused No.2 entitled for bail with same conditions as ordered by Hon'ble Sessions Court, Haveri while passing anticipatory bail. Accordingly, bail application filed by the accused No.2 is hereby allowed subject to compliance of the conditions passed by Hon'ble Sessions Court while granting anticipatory bail.

For surety call

Prl.Sr. Civil Judge & CJM,
Haveri.

