

CC No. 125/2019

**ORDERS ON BAIL APPLICATION U/Sec.
437 OF Cr.P.C. FILED BY ACCUSED
No.1 & 2**

The counsel for accused No.1 and 2 filed bail application U/Sec. 437 of Cr.P.C. praying the court to enlarge accused No.1 and 2 on bail, in this case, the accused are nothing to do with the alleged offences, they are law abiding persons they have not committed any offences as alleged against them. The alleged offence is not heinous in nature and this court has power to enlarge them on bail and that, they are ready to abide the conditions that may be imposed by the court and they are ready to furnish sufficient surety for satisfaction of the court. Hence, prayed for allow the application.

2. On the other side L/APP filed objection the alleged offences against the accused No.1 and 2 is punishable U/Sec. 323, 324, 354-B, 504, 506 r/w Sec. 34 of IPC. The alleged offences are non bailable in nature.

If the accused No.1 and 2 are enlarge on bail there is chances abscond again and it may cause delay in the proceedings, therefore, prayed for reject the bail application.

3. Heard, both side.

4. The following point arises for my consideration.

1. **Whether the accused No.1 & 2 are entitled to be released on bail?**

2. **What order?**

5. My findings on the above Point is in **affirmative**, for the following:

REASONS

6. The prosecution papers reveal that, the case has been booked against the accused No.1 & 2 for the offences punishable U/Sec. 323, 324, 354-B, 504, 506 r/w Sec. 34 of IPC and Sec. 354-B of IPC is nonailable in nature, but it is neither punishable with death nor imprisonment for life. Moreover, the alleged offences is triable by this court. At this juncture, this court thought it fit to restrict the discussion with regard to the consideration of the bail application without going to the elaborate discussion of the fact, as guided by the Apex court.

7. The consideration of severity of the offences repetition of crime destruction of evidence by accused No.1 & 2 - non availability of the accused No.1 & 2 for the trial shall be taken in to consideration. However, the alleged offences is not punishable with capital punishment or life imprisonment. The absence of accused No.1 & 2 may be prevented by imposing the stringent conditions. The presence of the accused can be secured for the

trial by taking the surety and by imposing the stringent conditions. Therefore, this court opinion that the accused is entitled to be enlarged on bail on stringent conditions as prayed for. Therefore, this court, answer Point No.1 in the **Affirmative**.

8. **Point No.2:** In view of the above discussions on Point No.1, this court proceed to pass the following:

:: O R D E R ::

The bail application filed U/Sec.437 of Cr.P.C is hereby allowed.

The accused No.1 & 2 is ordered to be enlarged on bail the executing personal bond of Rs. 25,000/- each and local surety for like sum.

Accused No. 1 & 2 shall keep themselves present before this court regularly on the all hearing dates otherwise their bail will be stands canceled.

For Surety. Kept by

Surety by name **Dattappa S/o Yallappa Itagar** Age: 49 years, Occ: Agriculture, R/o: Mashal village, Tq Afzalpur, Dist : Kalaburagi, is present and offered her surety ship to the accused No.1 and 2. He has also filed the surety affidavit and declaration U/Sec.441-A of Cr.P.C and produced attested copy of Aadhaar Card along with RTC extract of land bearing Sy.No. 319/1 measuring 01 acres 17 guntas situated at Mashal village, Tq. Afzalpur, Dist: Kalaburagi. Heard the surety and perused the surety affidavit and the documents therein, found satisfactory. Hence same is accepted.

Office is directed to take bonds accordingly. Office is directed to release intimation to jail authority.

A-3 remain absent. Issue NBW against A-3. Counsel for Accused filed memo along with certified copy of Crl. P. No. 200994/2025. The Hon'ble High Court of Karnataka, Kalaburagi Bench by its Order dated 24-07-2025 quashed the order passed against A-4. Same is taken on record.

As per the direction of the Hon'ble High Court of Karnataka, the office is hereby directed to forward immediately the records of this proceedings to the Juvenile Justice Board, Kalaburgi. Issue intimation to concerned PS to produce accused No. 4 along with splitup charge sheet before the Juvenile Justice Board, Kalaburgi.

Call on 06-09-2025.

**Civil Judge & JMFC
Afzalpur**