

Accused No.1 and 2 present. Sri. Y.G.P advocate filed Vakalath and bail application U/Sec 437 of Cr.P.C for accused No.1. Learned APP filed objection to the bail application. Heard both side. Perused the materials available on record.

ORDER ON BAIL APPLICATION.

This bail application is filed by the accused No.1 U/Sec 437 of Cr.P.C. Learned counsel appearing for the accused No.1 argued that, the accused No.1 is innocent and he is not committed any offence. Alleged offence against the accused No.1 is not punishable with death or imprisonment for life and case is triable by this court and he is ready to furnish surety and also prepared to obey the conditions that may be imposed upon him. Accused No.1 is resident of village of Jewargi taluk, which is in the jurisdiction of this court and having movable & immovable properties in the village. On these grounds the learned counsel for the accused No.1 sought to allow the application.

The learned A.P.P contended that accused No.1 is involved in non-bailable offence. The grounds mentioned in the bail application are all false. If he is released on bail then he may indulge in similar activities and also there is chance of being absconded. On these grounds the learned APP sought to reject the bail application.

The following Point arose for determination.

Whether the accused No.1 is entitled
to the bail as sought for?

Heard the arguments on both sides and I have gone through the entire case papers available in the file.

My finding to the above Point is in the affirmative for the following-

REASONS

POINT No.1: It is alleged that the accused person has committed an offence punishable under Section 379 of IPC, which is non-bailable in nature. Respondent police have filed charge sheet. To prove the allegations made by the first informant, it requires full trial. Accused No.1 resident of village of Jewargi taluk, which is in the jurisdiction of this court. Further, learned counsel appearing for the accused No.1 contended that accused is having movable and immovable properties. As such there is no chance of being absconded. Accused No.1 is ready to furnish the surety to the satisfaction of the court and ready to obey the conditions imposed by the court. Since the alleged offence is triable by this court and accused No.1 is ready to furnish the surety and ready to obey the conditions imposed upon him. I am of the considered opinion that if he is released on bail by imposing strict conditions, it would meet the ends of justice. Hence, I answered the above Point in the affirmative and proceed to pass the following-

ORDER

The bail application filed by the accused No.1 under Section 437 of Cr.P.C is allowed. Thereby, accused No.1 is released on he executing his personal bond for Rs.25,000/- with a surety for the likesum subject to following conditions-

- 1) The accused No.1 shall not indulge himself in any criminal activities.

2) He shall not either directly or indirectly tamper the prosecution witnesses and he shall not threaten the prosecution witnesses.

3) He shall appear before the court on all the date of hearing without fail.

Surety by name Yallappa S/o Rajappa Harijan, aged 47 years, occ: Agriculture, resident of Ankalaga village of Jewargi taluk, district Kalaburagi bearing Election ID No.KT/02/015/012155 present and filed surety affidavit along with RTC extract bearing Sy.No.181/22 measuring 4 acres 00 guntas situated at Ankalaga village of Jewargi taluk and ready to stand as surety for the accused No.1. Perused, heard, found satisfactory. Hence surety is accepted.

Office is directed to take bonds.

C.S copy supplied. For HBC.

Call on 03-05-2019.

JMFC, Jewargi