

ORDER

This is an application filed on behalf of accused under Section 439 Cr.P.C., for grant of bail.

2. In the application it is contended that, the police have filed the charge sheet against the accused for the offences punishable under Sections 307 and 504 I.P.C. The accused was on bail before the committal court and he has not violated any terms of the conditions. If he is continued in judicial custody, great hardship will be caused to the accused and his family members. He is ready to furnish surety and ready to abide by the conditions imposed by the court. Hence, sought for allowing the application

3. The Public Prosecutor has filed the objections, contending that the application is not maintainable either in law or on facts. The offences alleged are non-bailable in nature and since, the accused remained absent, NBW was issued and then he is produced under the body warrant. There are several cases, registered against the accused. In case he is enlarged on bail, there is a likelihood of absconding, threatening the witnesses and hampering the trial before the court. Hence, prayed to dismiss the application.

4. Heard the arguments on both sides. Perused the records.

5. The only point that arises for my consideration is:

**Whether the application filed under
Section 439 of Cr.P.C. on behalf of
accused, is fit to be allowed ?**

6. My finding on the above point is in the **Affirmative**, for the following:

REASONS

7. Perused the contents of application, objections and other materials placed on record. A

perusal of the record indicates that, on 14.02.2016 at 8.30 p.m., the accused wrongfully restrained the complainant Manju and abused him in filthy language and pierced him with the knife and on the basis of the complaint filed by the said Manju, the Police have registered a case against the accused for the alleged offences.

8. Further, it appears from the records that, earlier the accused was released on bail, but remained absent continuously. Hence, this court has issued N.B.W. against the accused and he was produced under body warrant and as such, he is in judicial custody. The offences alleged against the accused are not exclusively punishable with death or imprisonment for life. It is not in dispute that the accused is permanent resident of Mysuru. Such being the fact, the objections raised by the learned Public Prosecutor that the accused if released, would again abstain from the trial of the case and likely to abscond, can be met with by putting conditions. So, considering all these aspects, I feel that the bail application deserves to be allowed. Accordingly, I answer point for consideration in the affirmative and proceed to pass the following:

ORDER

The application filed under Section 439 Cr.P.C. is allowed.

The accused is released on bail on executing personal bond of Rs.50,000/- with one surety for the likesum with the following conditions:

- 1) The accused shall not involve in any other offences.
- 2) He shall be present before the court on each and every adjournment except on the extraordinary circumstances.
- 3) He shall not threaten the prosecution witnesses.

Prl. District & Sessions Judge,
Mysuru.

11.01.2019