

KAMS010007472021



**IN THE COURT OF THE III ADDL SESSIONS JUDGE,
MYSURU**

Present: Smt.K.Bhagya, B.COM., LL.B.,

Dated this the 12th day of September 2024

SC/35/2021

Complainant:

State by Bannur Police Station, repto. By
Public Prosecutor, Mysuru District,
Mysuru.

/vs/

Accused:

Manoj @ Manojkumar @ Anju S/o
Jogaiana Mahadeva, Aged about 20 years,
R/at Byrapura Village, T.Narasipura Taluk,
Mysuru District.

**Order on bail application filed by the accused U/s 439
of Cr.P.C.**

It is stated in the bail application that the complainant police have registered a case against this accused for the offence punishable U/s 307 of IPC. As the charge sheet has been filed, the case has been committed to this Court, it is

now numbered before this Court as SC.No.35/2021. The alleged offence is non-bailable in nature.

2. It is further stated that earlier he was released on bail by this Court. Then due to his ill health, he has not attended the Court and hence the Court has issued NBW against him and the police have arrested him. Now he is in JC. The reason stated by him is bonafide reason and not intentional one. Further stated that he is innocent and law abiding citizen. His roots are embedded in the society. He has not committed any offence as alleged by the police. He is having wife, children and aged parents. He is the only bread earner of his family. He is the permanent resident of T.Narasipura, Mysuru District and also having movable and immovable properties in his name. Though the alleged offence is not bailable in nature and the same is not punishable with death or imprisonment and triable by this Court only. He undertakes to appear before the Court on all hearing dates and ready to abide by the conditions imposed by this Court and ready to furnish surety. Hence prayed to allow the application.

3. The PP filed objections by reiterating the complaint averments and contended that the charge sheet reveal the involvement of this accused in committing the offence. Earlier this accused was released on bail. Later, he has been absconded. Hence, this Court has issued NBW against him

and the police have arrested him. At this juncture, if the bail application is allowed, he may abscond and may tamper the witnesses and thereby hamper the investigation. Hence, prayed to dismiss the application.

4. Heard the argument of both side.

5. Now the points that arise for my consideration are:-

1. Whether the accused has made out grounds to allow the present application?

2. What order?

6. My answers to the above points are as follows:-

Point No.1 : In the Affirmative

Point No.2 : As per the final order
for the following:-

REASONS

POINT NO.1:

7. I have gone through the charge sheet. The IO filed the charge sheet against this accused for the offence punishable U/s 307 of IPC as he had tried to kill C.W.1 with a stone on his head. The C.W.1 had sustained grievous injury and hospitalized, took treatment. The police recorded the statement of the C.W.1 at the hospital. Later, arrested the accused. This case has been committed by the Trial Court. The order sheet reveal that this Court has herd the argument

of both the side on framing of charges. The charge framed, read over and explained to the accused in Kannada language known to him. He pleaded not guilty and claims to be try. Thereafter, this accused was absent. NBW was issued. Again the NBW recalled by this Court. Thereafter, this Court had issued summons to C.W.1 and 2. C.W.1 reported to be dead. Hence, this Court has recorded the chief examination of C.W.2 as P.W.1 and MO.1 to 3 were marked. Later, this Court had issued summons to C.W.2, 3 and 4. They did not appear before the Court, hence this Court had issued NBW to C.W.2, 3 and 4 and issued fresh summons to C.W.5 and 6. C.W.5 present and examined as P.W.2. Then accused submitted before the Court that he has to engage a new counsel and hence he want time to cross examine P.W.2 and 1. So, the P.W.1 and 2 were discharged for the time being. Thereafter, accused did not appear before the Court. Hence, this Court had issued NBW and later issued notice to surety. Then, on 28/08/2024 the accused was brought before this Court under warrant. He was taken to the custody of this Court and remanded to JC. Thus, the accused is in JC. So, he has come up with this bail application. One Sri.P.M.D advocate filed NOC vakalth along with the bail application. The learned PP filed objections contending that this accused was not regular before the Court. Hence, if again he will be released on bail, definitely, he would abscond. But, the learned counsel for the accused submits that due to his ill health he did not appear

before the Court. But, he is the permanent resident of T.Narasipura, Mysuru District having movable and immovable properties in his name.

8. Of course, the alleged offence is non-bailable in nature and triable by this Court. The trial is going on. But, the accused is not regular before the Court. Now, a new advocate filed vakalath for accused with NOC from earlier advocate. Thus, he may advise the accused to be regular before the Court and to co-operate for trial. The Trial of this case may take long time. Till then, this accused cannot be kept in JC. So, by putting certain stringent conditions, if the bail application is allowed, the apprehension of the prosecution can be met with. Hence, I answer Point No.1 in the **Affirmative.**

POINT NO.2:

9. In the result, I proceed to pass the following:-

ORDER

The bail application filed by the accused U/s 439 Cr.P.C., is hereby allowed with the following conditions:

1. The accused has to execute a bond for a sum of Rs.1,00,000/- with two sureties for the likesum.

2. He shall be regular in attending the Court on all hearing dates.
3. He shall not tamper Prosecution witnesses.
4. He shall not involve in committing any offences.
5. The accused and the sureties shall furnish their photo along with address proof.

(Dictated to the Stenographer directly on computer and then pronounced in the open court on this the 12th day of September 2024)

(K.Bhagya)
III Addl.District & Sessions Judge
Mysuru.

(Order pronounced in open Court vide separate Order)

ORDER

The bail application filed by the accused U/s 439 Cr.P.C., is hereby allowed with the following conditions:

1. The accused has to execute a bond for a sum of Rs.1,00,000/- with two sureties for the likesum.
2. He shall be regular in attending the Court on all hearing dates.
3. He shall not tamper Prosecution witnesses.
4. He shall not involve in committing any offences.
5. The accused and the sureties shall furnish their photo along with address proof.

III AD & SJ, Mysuru.