

Order on the application

This application is filed by the advocate for accused, praying this Court to relax or modify the 1st condition of the bail order dated 16/06/2023.

2. It is stated in the application that this Court has allowed the bail application with the following conditions:

1. The accused No.2 has to execute a bond for a sum of Rs.1,00,000/- with one solvent surety.
2. The Accused No.2 shall be regular in attending the Court on all hearing dates.
3. The Accused No.2 not threaten the Prosecution witnesses and complainant in particular.
4. The Accused No.2 shall not leave the jurisdiction of this court without prior permission.
5. The surety shall produce latest tax/revenue paid receipts to prove solvency before this court.

3. The accused is poor person. Hence, he is unable to fulfill condition No.1 imposed by this Court. Hence, prayed to relax or modify the 1st condition of the bail order dated 16/06/2023.

4. For the above said application the learned PP objected orally.

5. Perused the case papers and heard both the side

6. The above application has to be disposed of as follows for the following:

REASONS

7. I have gone through the case papers before me. This Court has allowed the order dated 16/06/2023. While allowing the said petition this Court has put 1st condition

that "The accused No.2 has to execute a bond for a sum of Rs.1,00,000/- with one solvent surety". Without fulfilling the said condition of 'offering solvent surety' by stating that he is hailing from very poor family and he is not having sound relatives, friends or well-wishers who could come forward to offer solvent surety before the Court on his behalf. He and his entire family have made several honest efforts to generate solvent surety but the same is vent in vain since there is a huge scarcity of solvent sureties in Mysore City.

8. The alleged offences are punishable U/s 341, 504, 326, 506, 307 R/w 34 of IPC. Of course, this Court has allowed the application filed by the accused U/s 439 of Cr.P.C on 16/06/2023 itself. But, so far the accused No.2 has not fulfilled the condition put by this Court in the said order. Of course, it is the submission of every advocate before the Court that there is scarcity of solvent sureties in Mysuru City and by not providing the solvent sureties many of the accused are in JC. So, by considering the reasons assigned in the present petition, this Court is of the view that instead of 'solvent surety', if it is modified as 'surety', justice would met with. Hence, this Court proceeds to pass the following order:-

ORDER

The application filed by the accused No.2 hereby allowed.

The 1st condition put by this Court in the order dated 16/06/2023 is hereby modified as 'with one surety for the likesum'.

Other conditions put by this Court in the said order are hereby made intact.

III Addl. District & Sessions Judge,
Mysuru.