

KAMS010068782022



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

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

Dated this the 12th day of February 2025

SC/339/2022

Complainant:

State by Udayagiri Police Station, restd.
By Public Prosecutor, Mysuru District,
Mysuru.

/vs/

Accused No.2:

Raju @ Black Berry S/o Late Shankara,
Aged about 20 years, R/at # 414, 7th
Cross, Muneshwara Nagara, Udayagiri,
Mysuru.

**Order on bail application filed by the accused No.2 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 offences punishable U/s 143, 144, 147, 341, 504, 506, 307 R/w 149 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.339/2022. The alleged offences are non-bailable in nature.

2. It is further stated that he is innocent and law abiding citizen. He has not committed any offence as alleged by the police. He is having aged parents. He is the only bread earner of his family. He is the permanent resident of Mysuru City. Though the alleged offences are 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 offences. Sec.307 of IPC is punishable with imprisonment for life or for 10 years and with fine. The alleged offence is non-bailable in nature and heinous in nature. This accused is already on bail and thereafter he has violated the order of this Court. 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 No.2 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 143, 144, 147, 341, 504, 506, 307 R/w 149 of IPC as he had tried to kill C.W.1 with a wicket on his leg.

8. The order sheet reveal that there are 5 accused in this case. These 5 accused used to be present before the Court on all hearing dates without fail. This Court has framed the charge and posted the case for FDT. Then, issued summons to C.W.1 and 2 also. At that juncture, this accused No.2 absent before the Court. So, this Court has issued NBW and notice to surety of accused. Later, the surety was present before the Court and prayed time to keep present accused No.2 before the Court. Then, on 13/12/2024 this accused

No.2 appeared before the Court and filed an application U/s 70(2) of Cr.P.C by submitting that he left the place as there was huge loan, so, he went to Chikkamagaluru on work to earn and to repay the loan amount. His mother is suffering from cancer. By considering this submission, this Court has recalled the warrant issued against him and posted the case to 26/12/2024. On that day again this accused No.2 was absent. So, again this Court has issued NBW against him. Later, he was produced before this Court through HC-580, HC-401 of Udayagiri Police on 21/01/2025 at 11.35 am. This Court has taken him to the custody of this Court and remanded him to JC. So, this accused No.2 is in JC. Of course, he may suffering from many problems but the concerned police filed the charge sheet against him and his friends for the offence punishable U/s 307 of IPC. So, he has to be present before the Court till the conclusion of the trial. So, by considering the situation of this accused No.2, this Court is of the view that 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 No.2 U/s 439 Cr.P.C., is hereby allowed with the following conditions:

1. The accused No.2 has to execute a bond for a sum of Rs.1,00,000/- with a surety 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 No.2 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 February 2025)

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

(Order pronounced in open Court vide separate Order)

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III AD & SJ, Mysuru.