

ORDERS ON BAIL APPLICATION
FILED UNDER SEC.437 OF CR.PC

The counsel for accused No.1 & 2 has filed this bail application U/sec.437 of Cr.PC., seeking to enlarge the accused No.1 & 2 on bail.

It is contended in the bail application that, accused No.1 & 2 have already on bail in the Cr. Stage. The complainant police have filed charge sheet against the accused persons. The summons could not served on the accused persons, hence the Hon'ble Court has cancelled the bail of these accused persons and treated the case as long pending cases. The accused persons are innocent and they have not committed any offence alleged by the complainant police. Both the accused persons are driver and accused persons are the residents of Sulthan Bathery, Wayanad, Kerala. The accused No.1 is suffering from heart problem. The accused persons are the bread earners of their family and all the family members are depending on them. The accused persons undertakes to appear before the Court on all the dates of hearing without fail. Further undertakes to abide by the conditions imposed by this Court and ready to furnish surety.

The counsel for accused persons furnished copy of medical certificate to show that the accused No.1 is suffering from heart problem.

On the other hand, the learned APP filed objection to the bail application stating that, accused persons after obtaining bail from the Court have remained absent for about 14 years, and hence proclamation was issued against them. Hence, if again the accused persons are enlarged on bail, they may abscond and cause delay in

the proceedings of the case. Hence, prays to reject the bail application.

Heard and perused the materials on record.

The offences alleged against the accused are punishable U/sec.341, 353 r/w 34 of IPC. Though the said offences are non-bailable in nature, but they are not punishable with imprisonment for life or death, and the same are triable by this Court. Moreover, the accused persons submitted that they are ready to abide by the conditions that may be imposed by this Court and further undertaken to furnish surety to the satisfaction of this Court.

On considering the gravity of the offence and the ground urged in the application, the bail application filed by the accused No.1 & 2 U/sec.437 of Cr.PC is hereby **allowed** and the accused No.1 & 2 are enlarged on bail, on the following:-

CONDITIONS

1. The accused No.1 & 2 are directed to execute personal bond for a sum of Rs.25,000/- each with a surety for likesum;
2. They shall attend before the Court on all dates of hearing without fail;
3. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;
4. They shall produce certified copy of identity card for proof of their address.

For surety,

Addl. Civil Judge & JMFC.,
H.D.Kote.