

Accused No.1 to 4 are present.

Sri.L.N.L., Learned advocate has filed Vakalath on behalf of accused No.1 to 4 along with bail application under section 436 of Cr.P.C and prays to enlarge him on bail.

Learned counsel for the accused has filed an application under Sec.70(2) of Cr.P.C., seeking cancellation of warrant issued against the accused No.2.

Heard and Perused.

The reasons stated in the applications are satisfied. Last four hearing dates the accused No.2 has been absent and the warrant has been issued against him, it is necessary to allow the application.

Hence, the application filed under Section 70(2) Cr.P.C. is allowed on penalty of Rs.400/-.

Consequently, the warrant issued against the accused No.2 is canceled.

Issue intimation to the concerned Police about the cancellation of the warrant issued against the accused.

:: ORDERS ON BAIL APPLICATION ::

Learned counsel for the accused No.1 to 4 has filed an application U/Sec.436 of Cr.P.C. seeking bail to the accused.

2. It is stated in the bail application that, accused persons have not committed any offence as alleged against them. They are innocent persons, law abiding and peace loving citizens. Further stated that, accused persons are ready to obey the conditions imposed by the Court and ready to present before the Court on all the dates of hearing without any fail and also ready to furnish surety for the satisfaction of the Court, if they are released on bail. If the accused persons are not released on bail, they will be put to untold hardship and inconvenience. Hence, prays to allow the bail application and release the accused persons.

3. Learned A.P.P. has orally objected to the above bail application.

4. Heard on both sides and perused the materials on record.

5. The point for consideration is:-

Whether the bail application filed by the accused No.1 to 4 U/Sec.436 of Cr.P.C. deserves to be allowed? If so, what order?

6. The answer to the above point is in the **Affirmative**, for the following:-

:: R E A S O N S ::

7. The final report has been filed against the accused for the offences punishable under Section 324, 341, 504, 506 R/w Section 34 of I.P.C.

8. It is pertinent to note that, the Bannur Police has registered the case against the accused persons for the offences punishable under Section 324, 341, 504, 506 R/w Section 34 of I.P.C., the said offences are bailable in nature and not punishable either death or life imprisonment. Moreover, this offence is triable by the Court of J.M.F.C. Such being the case, if the accused persons are not enlarged on bail and if they are detained in custody, no purpose will be met. Further, the accusation of the accused persons are to be established only after trial. Hence, it is not just to detain the accused till the conclusion of the trial rather enlarge them on bail. The Hon'ble Apex Court held that, the bail is a rule jail is an exception. Hence, it is not necessary to detain the accused persons till the conclusion of trial.

9. The investigation has already been completed. The presence of the accused persons for the purpose of investigation is not required except for the trial before the Court. If the accused persons are enlarged on bail by imposing necessary conditions, the apprehension of the prosecution will be met. Hence, I am of the opinion that, the application filed by learned counsel for the accused persons under Section 436 of Cr.P.C. deserves to be allowed. Accordingly, it is allowed with the following conditions:-

:: O R D E R ::

1. The accused No.1 to 4 are enlarged on bail on their executing a bail bond for Rs.50,000/- each with one surety for the like sum.
2. The accused persons 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 tamper with the evidence.

3. The accused persons shall not commit an offence similar to the offences of which they are accused.
4. The accused persons shall not permanently leave their place of residence without prior permission of the Court.
5. The accused persons shall produce their recent photos and I.D. proofs showing their residential address.
6. The accused persons shall appear before the Court regularly.

If the accused persons fail to comply any one of the above conditions, the prosecution will have liberty to file an application for cancellation of bail.

To furnish surety.

Call on:

**C/c Civil Judge & J.M.F.C.,
T.Narasipura. ****

Surety by name Sri.Mahadevaswamy S/o. Late Basavanna, Aged about 39 years, R/o. T.Doddapura Village, Talakadu Hobli, T.Narasipura Taluk, Mysuru District, is present and stood himself as a surety to enlarge the accused on bail. He has filed affidavit, declaration affidavit, R.T.C extract of his land bearing Sy.No.468/1, measuring 18 guntas, situated at T.Doddapura Village, Talakadu Hobli, T.Narasipura Taluk and also produced copy of aadhaar card.

The surety is accepted for the release of accused on bail.

Office to take bond.

For H.B.C.

Call on:

**C/c Civil Judge & J.M.F.C.,
T.Narasipura.**