

Case called out. Accused No.1 and 2 present. Sri.PS advocate filed vakalath to the accused No.1 and 2 and filed advancement application and hence the case is taken on today's board.

Further files bail application under Sec.437 of Cr.P.C., along surety affidavit, property extract and photocopy of the Aadhaar card. Learned APP filed objections. Heard arguments. Hence posted for orders.

P.C.J & JMFC., T.Narasipura.

ORDERS ON BAIL APPLICATION U/Sec.437 Of Cr.P.C

The instant bail application is filed by the counsel for the accused No.1 and 2 U/sec. 437 of Cr.P.C. praying to enlarge the accused No.1 and 2 on bail.

2. It is contended in the bail application that the complainant police have filed a false case against the accused No.1 and 2 for the offences punishable U/Sec. 324, 326, 504 R/w Sec., 34 of IPC. That the accused No.1 and 2 have not committed any such offences as is alleged by the complainant police and they are hailing from the respectable family and they are the only the bread earning members of their family and they are ready to undertake and to abide by any of the conditions that may be imposed by the court. On these grounds counsel for the accused No.1 and 2 prays to allow the bail application.

3. On the other hand, the learned A.P.P has filed objections contending the accused No.1 and 2 have committed offences punishable U/Sec. 324, 326, 504 R/w Sec., 34 of IPC and if the accused No.1 and 2 are enlarged on bail and they may repeat similar offences and they may also threaten the prosecution witnesses and tamper the prosecution witnesses and they may also remain abscond

and thereby hamper the trial of the case. On these grounds, the learned A.P.P prayed for dismissal of the application.

4. Heard arguments by L/APP and counsel for the accused No.1 and 2.

5. The following points arise for my consideration:

- 1) Whether the accused No.1 and 2 are entitled to be enlarged on bail?
- 2) What order?

6. My answers to the above points is as hereunder:

Point No. 1: In the **Affirmative**,

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

:R E A S O N S:

7. Point No.1: The offences alleged against the accused No.1 and 2 are punishable U/Sec. 324, 326, 504 R/w Sec., 34 of IPC, which are non-bailable in nature, but it is not punishable with death or imprisonment for life. At this stage, admittedly the police have filed charge sheet and the investigation is also completed. Further the learned APP has not made out any specific grounds to reject the application and the learned APP only apprehends that the accused No.1 and 2 might repeat similar offences and that they may tamper with the prosecution evidence and may hamper the trial. The said apprehension of the learned APP, can be very well met by imposing stringent conditions on the accused No.1 and 2. It is the settled legal principle that '**Bail is rule and jail is an exception**' as laid down by the Hon'ble Supreme Court of India, in a land mark judgment of State of Rajasthan V/s Balchand @ Baliya. Hence, I am of the opinion for the reasons discussed above to enlarge the accused No.1 and 2 on bail by imposing suitable conditions. Hence, I answer this point in the **Affirmative**.

8. Point No.2: In view of the discussion made above, I proceed to pass the following:

ORDER

The application filed U/Sec. 437 of Cr.P.C is allowed and the accused No.1 and 2 are hereby enlarged on bail on their executing

personal bonds for Rs.35,000/- each with one surety for the likesum, on the following conditions:

CONDITIONS

- 1. The Accused No.1 and 2 shall not repeat similar offences in future,*
- 2. The Accused No.1 and 2 shall not threaten the prosecution witnesses and they shall not tamper with the prosecution materials in any manner,*
- 3. The Accused No.1 and 2 shall appear before the court on all the dates of hearing regularly without fail,*
- 4. The Accused No.1 and 2 shall not leave the jurisdiction of this Court without prior permission from this Court.*

P C J & JMFC., T.Narasipura.

One Surety by name Timmegowda, S/o Chamegowda, Aged about 48 years, Occ. Nil, R/o Senapathihalli Village, Sosale Hobli, T.Narasipura Taluk, Mysuru District is present before the Court and filed his affidavit expressing his willingness to stand as surety to the accused No.1 and 2 who are known persons to him. He has offered his landed property bearing Sy.No.92/2 measuring 0.19 guntas, situated at Senapathihalli Village, Sosale Hobli, T.Narasipura Taluk, Mysuru District worth Rs.6,00,000/-.

Heard, perused the affidavit and documents, found satisfactory and hence the surety ship is accepted for the enlargement of the accused No.1 and 2 on bail. Office is directed to take bonds accordingly.

Charge sheet copy is furnished to the counsel for the accused No.1 and 2.

Counsel for the accused No.1 and 2 files application U/Sec.70(2) of Cr.P.C seeking recall of NBW issued against the accused No.1 and 2. Perused the application. Sufficient grounds made out. Hence NBW issued against the accused No.

*No.1 and 2 is recalled on penalty of Rs.100/- each.
Hence posted for HBC call on hearing date by
02.12.2025.*

P C J & JMFC., T.Narasipura.