

**ORDERS ON BAIL APPLICATION UNDER
SECTION 437 OF CR.P.C**

The counsel for the accused No.1 to 5 has filed this application seeking regular bail in the above case for the alleged offences punishable under section 323, 324, 341, 447, 504, 506 R/W Section 34 of I.P.C.

2. It is submitted that the complainant police have filed the above case against the accused No.1 to 5 for the alleged offences punishable under section 323, 324, 341, 447, 504, 506 R/W Section 34 of I.P.C. The accused No.1 to 5 are falsely implicated for the alleged offences. The accused persons are innocent of the alleged offences and are not committed any offences muchless the offences alleged in this case. The final report is filed and charge sheet also filed. The accused persons are served with summons, the entire investigation is completed and final report is filed, there is no apprehension of fleeing from justice and the question of tampering witness does not arise at all. The accused persons are law abiding citizens and undertakes to abide by the conditions of this court

and undertakes to appear before the court on all the hearing dates and whenever directed and they are offering surety for the satisfaction of this court and the alleged offences are not punishable with death of life and on the other hand the offences are triable by this court and they are the permanent resident of B.Seehalli Village, Bannur Hobli, T.Narasipura Taluk. The counter case is pending before this court in CC No.424/2023. Hence prays to enlarge them on bail.

3. The learned APP has filed objections to the said application contending that, the alleged offences punishable under Section 323, 324, 341, 447, 504, 506 R/W Section 34 of I.P.C. are non-bailable in nature and the grounds of bail set forth in the application are devoid of merits. Further, the accused persons are politically influenced and economically sound, if they are released on bail, they may threaten the prosecution witnesses and also protract the trial and there may be every chances of absconding and may commit similar offence in future and tamper the documents. Hence, considering the facts and circumstances has prayed to reject the application.

4. Heard and perused the materials available on record.

5. The following point that arises for my consideration:

“ Whether the accused No.1 to 5 are entitled for bail? ”

6. My finding to the point is in the “**Affirmative**”, for the following ;

REASONS

7. It is seen from the records that the offences alleged against the accused No.1 to 5 are under sections 323, 324, 341, 447, 504, 506 R/W Section 34 of I.P.C. which are non-bailable in nature but triable by this Court. The offences are neither punishable with imprisonment for life nor with death. The accused persons are ready and willing to offer surety for their release and they are ready to abide by any reasonable conditions imposed on them. The apprehension of learned APP can be met out by imposing stringent conditions while granting bail. Hence under the facts, circumstances and merits of the case, I am of the considered view and opinion that the accused persons are entitled to be enlarged on bail.

Accordingly, I have answered above point in the ***Affirmative*** and proceed to pass the following ;

ORDER

The bail application filed by the accused No.1 to 5 under Sec.437 of Cr.P.C. is hereby allowed subject to following:-

CONDITIONS

1. The accused No.1 to 5 shall execute a personal bond for a sum of Rs.50,000/- each with one surety for likesum.
2. The accused No.1 to 5 shall appear before this Court as and when directed.
3. The accused No.1 to 5 shall not involve themselves in the similar offences.

**Civil Judge & JMFC.,
T.Narasipura.**

The surety by name
S.K.Kodigowda, S/o. Late
Kunnarasana Kodigowda @
Kodigowda, aged about 72 years, R/at.

B.Seehalli Village, Bannur Hobli, T.Narasipura Taluk, is present and offered his surety to the accused No.1 to 5 and produced Surety Affidavit, Declaration Affidavit, RTC extract of land bearing Sy.No.52/1, measuring 0.11 situated at Maragowdanahalli Village, Bannur Hobli, T.Narasipura Taluk and copy of Aadhar card. (The value of the property Rs.6 lakhs).

On perusal of affidavit and documents, they are found to be satisfactory. Hence his surety ship is accepted.

Hence office is directed to take personal bond and surety bond of accused No.1 to 5.

**Civil Judge & JMFC,
T.Narasipura.**