

Accused is present.

Sri.H.C.Rajesh, learned advocate has filed Vakalath on behalf of accused along with bail application under section 436 of Cr.P.C and prays to enlarge him on bail.

Heard and Perused.

:: ORDERS ON BAIL APPLICATION ::

Learned counsel for the accused 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, the accused has not at all committed any offences as alleged in the compliant, FIR and charge sheet. He is innocent and law abiding citizen. The contents of complaint, FIR and charge sheet are all false, a false case has been registered against him and he has been falsely implicated in the alleged offence. Further submitted that, he is the only earning member of his family and he has to look after his old aged parents and his wife and children and he is having movable and immovable properties of them own in the village. The alleged offences are triable by this court and bailable in nature. Further he is ready and willing to furnish surety for the satisfaction of the Court and undertakes to appear before the court on all the dates of hearing without fail and abide all the terms and conditions which may be imposed by this court. Hence, prays to allow the bail application and release the accused.

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 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 279, 304(A) of I.P.C.

8. It is pertinent to note that, the Bannur Police has registered the case against the accused for the offences punishable under Section 279, 304(A) 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 is not enlarged on bail and if he is detained in custody, no purpose will be met. Further, the accusation of the accused is to be established only after trial. Hence, it is not just to detain the accused till the conclusion of the trial rather enlarge him on bail. The Hon'ble Apex Court held that, the bail is a rule jail is a exception. Hence, it is not necessary to detain the accused till the conclusion of trial.

9. The investigation has already been completed. The presence of the accused for the purpose of investigation is not required except for the trial before the Court. If the accused is 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 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 is enlarged on bail on his executing a bail bond for Rs.50,000/- with one surety for the like sum.
2. The accused 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 him/her from disclosing such facts to the Court or tamper with the evidence.
3. The accused shall not commit an offence similar to the offences of which he is accused.
4. The accused shall not permanently leave his place of residence without prior permission of the Court.
5. The accused shall produce his recent photos and I.D. proofs showing his residential address.

6. The accused shall appear before the Court regularly.

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

Surety by name Mahalingegowda, S/o. late Madegowda, aged about 41 years, R/o. Neralekere Village, Srirangapatna Taluk, Mandya 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.154/10, measuring 11 guntas, situated at Neralekere Village, Srirangapatna Taluk, Mandya District and also produced copy of aadhaar card.

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

Office to take bond.

For plea.

Call on: 29.05.2024.

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