

C.C No.1799/2022

: ORDERS ON BAIL APPLICATION U/s 437
OF Cr.P.C. :

Advocate for accused No.1 has filed bail application U/sec.437 of Cr.P.C by urging the ground that, the complainant has filed the above case against the accused persons for the offences punishable under Section 380 and 457 of I.P.C. The alleged offences are non-bailable and it is not punishable with either death or imprisonment for life. The alleged offences are triable by this court and the accused No.1 is innocent and he is falsely implicated in the above case. Further the accused No.1 is in anticipatory bail in CrI.Misc.No.106/2023 passed by the Hon'ble I Addl. District and Sessions Judge at Mysuru dated 23.01.2023. He is a daily wage worker and only bread earning person of his family and he had old ill health parents and they are all depending upon him. Further he undertakes to abide by the conditions of this court and to appear before the court on all hearing dates and whenever directed. He is offering surety for the satisfaction of this court. Hence prays to enlarge him on bail.

2. The learned APP orally objected to said bail application.

3. Heard and perused the materials available on record.

4. The following points that arises for my consideration:

1. Whether the accused No.1 is entitled for bail ?

2. What order ?

5. My answer to the above points is as under :

Point No.1 : In the affirmative

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

REASONS

6. **Point No.1** : On perusal of the materials on record it reveals that, the PSI of Bannuru Police Station, T.Narasipura have registered a case against the accused persons for the offences punishable under Section 380 and 457 of I.P.C. Further the accused No.1 has been enlarged on Anticipatory Bail passed in CrI.Misc.No.106/2023 dated 23.01.2023 by the Hon'ble I Addl. District & Sessions, Judge, Mysuru. As such,

under these circumstances discretionary of granting of bail can very well be exercising in favour of the accused No.1 and the apprehension of the prosecution can be met with by imposing strengthen conditions. Therefore, my finding to above ***point No.1 in the Affirmative.***

7. **Point No.2:** In view of my answer to the point No.1, I proceed to pass the following;

: O R D E R :

The bail application filed by the accused No.1 U/sec. 437 of Cr.P.C is hereby allowed.

The accused No.1 is enlarged on bail by executing personal bond for a sum of Rs.1,00,000/- with two sureties for likesum, with the conditions as per order passed by the Hon'ble I Addl. District & Sessions Judge, Mysuru in Crl.Misc.No.106/2023 dated 23.01.2023.

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

The surety by Chikkathayamma, W/o. Late Chikkamegowda, aged about 73 years, R/at. # 107, Kokkarehundi Village, Gonthagalli, Srirangapatna Taluk, Mandya District, is present and offered her surety to the accused No.1 and produced Surety Affidavit, Declaration Affidavit, RTC extract of land bearing Sy.No.140/P1 measuring 0.10 guntas, situated at Ipanahalli Village, Akkibehal Hobli, K.R.Pete, Mandya District and copy of Aadhar card. (The value of the property Rs.5 lakh).

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

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

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

For surety by :