

Sri.Madappa, Advocate has filed Vakalath on behalf of accused No.1 and 2 along with bail application under section 436 of Cr.P.C and prays to enlarge them on bail.

Perused the same.

For orders.

:: ORDERS ON BAIL APPLICATION ::

Learned counsel for the accused No.1 and 2 has filed an application U/Sec.436 of Cr.P.C. seeking bail to the accused persons.

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 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 and 2 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 charge sheet has been filed against the accused persons for the offences punishable under Section 337 of I.P.C.

8. It is pertinent to note that, the Talakadu Police has registered the case against the accused persons for the offences punishable under Section 337 of I.P.C., the said offence is 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 persons 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 a 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 and 2 are enlarged on bail on their executing a bail bond for Rs.25,000/- 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 him/her 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 persons.
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.

Surety by name Sri.S.Madhu S/o. Late. Siddapajji, Aged about 40 years, R/o. Kolathuru Village, Sosale Hobli, T.Narasipura Taluk, Mysuru District, is present and stood himself as a surety to enlarge the accused persons on bail. He has filed affidavit, declaration affidavit, Pay slip for the month of June 2022, issued by the Chamundeshwari Electricity Supply Corporation Ltd., and also produced notarized copy of aadhaar card.

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

Office to take bond.

For Plea.

Call on:30.07.2022.

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