

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

The counsel for the accused has filed this application seeking regular bail in the above case for the alleged offences punishable under sections 408, 420 of I.P.C.

2. It is submitted that the complainant police have filed the case against the accused for the offences punishable under sections 408 and 420 of I.P.C. It is further submitted that, the accused has not committed any offences as alleged against her, she is innocent and law abiding citizen and only earning member of her family and she had small babies. Though the alleged offences are non-bailable in nature but triable by this Court and not punishable with death or life imprisonment. The accused undertakes that, she is ready and willing to abide by the conditions that may be imposed by this court and appear before this court on all the dates of hearing without fail. She is ready and willing to offer surety for her release and abide by any reasonable conditions

which might be imposed on her while at the time of granting bail.

3. The learned APP has filed objections to the said application contending that, the alleged offences punishable under Sections 408 and 420 of I.P.C. are non-bailable in nature and the grounds of bail set forth in the application are devoid of merits. Further, if accused is released on bail, he may abscond, may threaten prosecution witnesses and also protract the trial and may commit similar offence in future. It is also refuted that, though the Bannur police have filed charge sheet against the accused, but till date she has not obtained bail. Hence, considering the facts and circumstances has prayed to reject the application.

4. Heard and perused the materials on record.

5. The following point that arises for my consideration:

“ Whether the accused is 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 is under sections 408 and 420 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 is ready and willing to offer surety for her release and she is ready to abide by any reasonable conditions imposed on him.

8. The apprehension of learned APP can be met out by imposing stringent conditions while granting bail.

9. Hence under the facts, circumstances and merits of the case, I am of the considered view and opinion that the accused is 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 under Sec.437 of Cr.P.C. is hereby allowed subject to following:-

CONDITIONS

1. The accused shall execute a personal bond for a sum of Rs.50,000/- with one surety for likesum.
2. The accused shall appear before this Court as and when directed.
3. The accused shall not involve himself in the similar offences.

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

The surety by name Venkatesh T.N, S/o. Nagaraju, aged about 32 years, R/at. Thuruganuru village, Bannur Hobli, T.Narasipura Taluk, Mysuru District, is present and offered he surety to the accused and produced Surety Affidavit, Declaration Affidavit, RTC extract of land bearing Sy.No.99/5 measuring 0.11.08.00 guntas, situated at Bendaravadi village, Kirugavalu Hobli, Malavalli Taluk and copy of

Adhar card. (The value of the property Rs.10 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.

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