

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

The counsel for the accused No.2 has filed this application seeking regular bail in the above case for the alleged offences punishable under sections 32 and 34 of K.E.Act.

2. It is submitted that the complainant police have filed the case against the accused No.2 for the offences punishable under sections 32 and 34 of K.E.Act. It is further submitted that, the accused No.2 has not committed any offences as alleged against him, he is innocent and law abiding citizen and coming from good family and only earning member of his family. Though the alleged offences are non-bailable in nature but triable by this Court and not punishable with death or life imprisonment. The accused No.2 undertakes that, he is ready and willing to abide the conditions that may be imposed by this court and appear before this court on all the dates of hearing without fail. He is ready and willing to offer surety for his release and abide by any reasonable conditions which might be imposed on him 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 32 and 34 of K.E.Act are non-bailable in nature and the grounds of bail set forth in the application are devoid of merits. Further, if accused No.2 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, on perusal of prosecution materials prima-facie establishes the commission of offence by the accused No.2. 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 No.2 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 No.2 is under

sections 32 and 34 of K.E.Act 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 No.2 is ready and willing to offer surety for his release and he 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 No.2 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 No.2 under Sec.437 of Cr.P.C. is hereby allowed subject to following:-

CONDITIONS

1. The accused No.2 shall execute a personal bond for a sum of Rs.50,000/-, with one surety for likesum.

2. The accused No.2 shall appear before this Court as and when directed.
3. The accused No.2 shall not involve himself in the similar offences.

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

Surety by name H.S.Channappa, S/o. late Nanjappa, aged about 49 years, R/at. Hosakeri, Bannur Town, T.Narasipura Taluk, and offered surety for the release of accused No.2 and he has filed his surety affidavit, declaration affidavit along with RTC extract of land bearing Sy.No.361/10, measuring 0.02 guntas, situated at Bannur Rural village, Bannur Hobli, T.Narasipura Taluk worth of Rs.5,00,000/- to establish his ownership and he has also produced Photostat copy of Adhar card to establish his identity.

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.2.

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