

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

The advocate for accused filed bail application U/Sec.437 of Cr.P.C on behalf of accused and has prayed that the accused person be released on bail, as he is innocent law abiding citizen and has not committed the alleged offences. He is ready to abide by the conditions that may be imposed by the court. Hence has prayed to allow the application.

II) Learned APP has orally objected to the said bail application and has prayed to reject the

bail application as the accused person will tamper the prosecution witnesses and may also abscond and thereby he will cause inconvenience and has prayed to reject the application.

III) I have heard arguments from both side.

IV) The following points have arisen for my consideration.

1. Whether the bail application filed by the accused U/Sec.437 of Cr.PC. deserves to be allowed?

2. What Order?

V) My answer to above point are as under:

Point No.1 In the Affirmative.

Point No.2. As per final orders for the following.

REASONS

VI) Point No.1 On perusal of the materials placed before the court reveals that the Jalahalli Police have filed charge sheet against the accused person for the offences punishable U/Sec.15(A), 32(3) of K.E Act.

The alleged offence punishable U/Sec. 15(A), 32(3) of K.E Act are non-bailable in nature. Though the alleged offences are non bailable in nature not punishable with death or imprisonment for life and triable by this court only. Thus the accused is entitled for bail. Hence point No.1 is answered in the Affirmative.

VII) Point No.2: for the reason I proceed to pass the following,

ORDER

The bail application filed by accused U/Sec.437 of Cr.P.C. is allowed and he is enlarged on bail on executing his personal bond for Rs.30,000/- with a surety for the like sum on the following conditions.

- 1) The accused shall not tamper with prosecution witnesses.
- 2) The accused shall not commit the similar offences.
- 3) The accused shall not leave the jurisdiction of this court without permission.
- 4) The accused shall appear before the court on all the hearing dates.

Accused produced following surety.

Surety by name Naganna @ Nagappa S/o Durugappa, Age:47 Years, Occ: Agriculture, R/o Yalagatta village of Lingasugur Taluka, Raichur District present and filed affidavit stating that he knows the above said accused and he is ready and willing stand as surety and also abide by the conditions imposed by this court. He also filed RTC extract of Sy.No.34/*/6 measuring 01 acre 00 guntas situated at Uti village of Devadurga Taluka, Raichur District for year 2022-2023. He has also furnished attested true copy of his identity card i.e., Adahar card (compared with original and returned back).

Office to take bonds

For HBC.

Call on 13-10-2022.

Sd/-

Senior Civil Judge & JMFC.,
Devadurga.