

Accused No.1 to 7 present.

Learned APP has orally objected to bail application.

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

The advocate for accused persons filed bail application U/Sec.437 of Cr.P.C and have prayed that the accused persons be released on bail, as they are innocent law abiding citizen and they have not committed the alleged offences. They are 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 persons will tamper the prosecution witnesses and may also abscond and thereby they 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 No.1 to 7 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 against accused for the offences punishable U/Sec.143, 147, 323, 354(B), 504, 509 R/w Sec.149 of IPC.

The alleged offences punishable U/Sec.143, 147, 323, 354(B), 504, 509 R/w Sec.149 of IPC are non-bailable in nature but it is not punishable with death or life imprisonment. The alleged offences are triable by this court only. Thus the accused No.1 to 7 are 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 No.1 to 7 U/Sec.437 of Cr.P.C is allowed on the following conditions.

1. The accused No.1 to 7 shall execute personal bond for Rs.30,000/-each with a surety like sum.
2. They shall not tamper prosecution witnesses.
3. They shall regularly appear before the court on all dates.
4. They shall not involve in the similar kind of offences.

5. They shall not leave the jurisdiction of this court without prior permission.

Accused No.1 to 7 produced following surety.

Surety by name Amarappa @ Amaregouda S/o Shivappa, Age:51 Years, Occ: Agriculture, R/o Mallapur 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.117/*/3 measuring 02 acres 00 guntas situated at Mallapur village of Lingasugur 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.

Application U/Sec.70(2) of Cr.P.C filed, NBW issued against accused No.1 to 7 is hereby recalled.

For HBC.

Call on: 22-12-2022.

Senior Civil Judge & JMFC.,
Devadurga.