

Case advanced, Case taken on board.

Accused no.5 is present.

ORDERS ON BAIL APPLICATION
UNDER SECTION-437 CR.P.C., FILED
BY ACCUSED NO.5.

Sri. M.N. counsel for the accused has files vakalath for Accused No.5 along with application U.s-70(2) of CrPC and bail application under section-437 of Cr.P.C., seeking to enlarge the Accused no.5 on bail. In the application, it is stated that the Accused no.5 has not committed any offence as alleged. The alleged offences are not punishable either with death or imprisonment for life. He is ready to abide by the conditions, which may be imposed by the court. Hence, prays for release of the accused persons.

2. On the other hand, the learned A.P.P. orally strongly opposing the bail application and submitted that the accused person has committed the offences punishable under sections-379 of IPC. If the Accused person is released on bail, he may hamper the investigation, tamper the prosecution evidence and threaten the prosecution witness and may abscond from the jurisdiction of this court. Hence, prayed for rejection of the bail application.

3. Heard the arguments.

4. The following point arises for my consideration :

“ Whether the accused is entitled to bail under section-437 of Cr.P.C. ?”

5. My finding on the above point is in the “ **affirmative** ”.

6. On perusal of the complaint and FIR, it shows that the complainant police have registered the case against the accused for the offences punishable under sections-379 of IPC is non bailable in nature.

7. Though the alleged offence is non-bailable in nature, but the same are not punishable with death or life imprisonment. It is triable by this court. Pre-trial detention is unwarranted at this stage. Accused is ready to abide by the conditions imposed by the court. In the present case the guilt of the accused no.5 in the alleged incident is matter of proof to be proved only after full-fledged trial. Moreover I.O submitted the final report. Accused no.5 is the permanent resident of charge sheet. If stringent conditions are impose, the purpose of the prosecution may be served. Under these circumstances, I proceed to pass the following :-

ORDER

The bail application filed by the Accused no.5 under section-437 of Cr.P.C. is hereby allowed subject to following :-

CONDITIONS

- The accused no.5 shall execute a personal bond for a sum of Rs.50,000/-with one surety for likesum;
- The accused no.5 and surety holder shall

affix his photograph and left thumb impression in the surety bond and the produce a copy of their Aadhar Cards to the their identity.

- He shall not tamper the prosecution evidence and shall not threaten the prosecution witnesses;
- He shall regularly appear before the court on all hearing dates without any fail.
- He shall not leave the jurisdiction without the leave of the court.
- He shall not repeat similar type of offence;
- If any one of the above conditions is violated, the bail and surety bond is automatically stands canceled.

Offering surety :-

Surety by name Sri. Muniraju C S/o late. Chikkamuniyappa, Aged about 39 years, R.at Marur village, Kudur Hobli, Magadi Taluk is offered and to stand as a surety of **accused no.5.**

Perused, satisfied and accepted.

Office is hereby directed to take the Accused and surety of him phone number in the bail bond.

Office is directed to take bond.

Issue NBW to Accused no.1 by 16-02-2024.

Addl. Civil Judge & JMFC.,
Magadi.