

ORDER ON BAIL APPLICATION

This is a bail application filed U/s.437 of Cr.P.C., by the counsel for accused No.1 by

name Sri. Kemparaju, accused No.2 by name Sri. Gangaiah and accused No.3 by name Smt. Kempamma, praying to release the accused persons on bail.

2. In the bail application it is stated that, the accused persons are nothing to do with the alleged offences, the allegation made against accused are non-bailable in nature and same is not so heinous and also not punishable with death or imprisonment for life and they are ready to furnish surety to the satisfaction of this Court and abide by any of the conditions imposed by the court. Hence, they requested to allow the application.

3. The learned A.P.P. filed objections denying the contents of the bail application. It is stated that, if the accused persons are released on bail, they may threaten the complainant, tamper with the prosecution witnesses and commit similar offence. If they released on bail, they may not attend before the Court on hearing dates and jump from bail. Hence, prays for dismissal of the application.

4. I have heard learned APP and counsel for the accused.

5. The following point that arises for my consideration is:

“Whether the accused by name Vishwanath., is entitled for bail?”

6. My finding on the above point is in the affirmative for the following :

REASONS

7. This case is registered on the basis of complaint given by the complainant – by name Huchahanumaiah. On the basis of the said complaint the Magadi Police have registered the case against accused for the offence punishable U/Sec.323, 324, 448, 504 R/w 34 of IPC. After investigation the IO filed charge sheet for the offence punishable under section 326, 324, 323, 504 R/w Sec.34 of IPC.

8. I have gone through the entire case records. In this case, the offences alleged against the accused persons are though non-bailable in nature, but same is not

punishable with death are imprisonment for life and the offences trial by this court and ready to furnish surety to the satisfaction of the Court. Hence, looking to the gravity of the offences, if the accused persons are released on bail by imposing stringent conditions, that will suffice the purpose of the prosecution. Considering this aspect of the matter, the accused persons are to be released on conditions. Hence, the accused persons are entitled for bail. Hence, I answer above point in the **affirmative** and pass the following;

ORDER

The bail application filed U/s.437 of Cr.P.C., by the accused No.1 to 3 are hereby allowed on the following conditions:

1. The accused No.1 to 3 are released on bail on executing P.B. for sum of Rs.50,000/- each with one surety for like sum free from encumbrance.
2. The accused No.1 to 3 shall not threaten nor tamper the prosecution witnesses directly or indirectly.

3. The accused No.1 to 3 shall not commit similar offences in future.
- 4, The accused No.1 to 3 shall mark their attendance before the concerned police station on every Sunday in between 11-00 a.m., to 5-00 p.m., till filing of charge sheet.
5. The accused No.1 to 3 shall attend before this Court on each date of hearing without fail.

**Prl. Civil Judge & J.M.F.C.,
Magadi.**

Surety by name **Sri. Kempanna**, S/o Late Marisiddaiah, aged about 60 years, R/at Thigalarapalya Village, Kasaba Hobli, Magadi Taluk, Ramanagara District. He offers surety particulars for accused No.1 to 3.

Perused the surety affidavit, declaration form and attested copy of Adhara card & RTC extract of agricultural property in Sy.No.77/1, measuring to an extent of 1 acre 22 guntas, situated at Vardohalli Village, Kasaba Hobli, Magadi Taluk, Ramangara District. Being satisfied with materials on record. Hence, his surety is accepted.

The accused No.1 to 3 and the surety to comply the terms and conditions as observed in the bail order.

Office is hereby directed to take bail bonds and surety bond.

Call on regular date.

**Prl. Civil Judge and JMFC.,
Magadi.**