

Accused no.2 is present,
Accused no.1 is in J.C.

Counsel for the Accused no1. filed M.A.
along with application U.s-437 of CrPC.

Kept by order by 3 p.m.

**ORDERS ON BAIL APPLICATION UNDER
SECTION-437 CR.P.C., FILED BY ACCUSED
NO.1.**

Counsel for the accused no.1 has filed bail application under section-437 of Cr.P.C., seeking to enlarge the accused no.1 on bail. In the application, it is stated that the accused no.1 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.

2. case called out thrice, A.P.P. absent, hence objection taken as not filed.

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-380, 457 and 511 of IPC.

7. Though the alleged offences are 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.1 in the alleged incident is matter of proof to be proved only after full-fledged trial. Further the accused no.1 is in judicial custody from 28-04-2023. Accused no.1 is the permanent resident shown in the charge sheet. Moreover final report submitted by the I.O. 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.1 under section-437 of Cr.P.C. is hereby allowed subject to following :-

CONDITIONS

- The accused no.1 shall execute a personal bond for a sum of Rs.50,000/- with one surety for likesum;
- The accused no.1 and surety holder shall affix their 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 not repeat similar type of offence;
- He shall regularly appear before the court in all hearing date for early disposal of the case.
- He shall co-operate with the I.O. for the purpose of investigation.

Addl. Civil Judge & JMFC.,
Magadi.