

ORDER ON BAIL APPLICATION U/Sec.437 of Cr.P.C.

FOR THE ACCUSED

This is an application filed by the accused praying to release him on bail.

It has been contended that, the allegation made against him are false, frivolous and lack in the material substance. The accused comes from very reputed family in his locality and the whole family consisting bed-ridden father and unmarried sister and handicapped brother are completely depending upon him for care and livelihood. The accused is an innocent and he has not involved in any said offences the police have filed false charge against him instead of real accused whom they have failed to find and he is not previously convicted in any case in any other court.

He under takes to abide by any conditions of the Court and he is ready to furnish surety to show his appearance. Hence, prayed to release him on bail.

On the contrary APP has filed objection contending that, the application is not maintainable either in law or on fact and liable to be rejected. If the accused is released on bail he will tamper the prosecution witness and he will abscond from the court proceedings and he put a life threat to complainant and witnesses. Hence, prayed to reject the application.

Heard and perused.

This is a crime against the accused for the offences punishable under section 394 of IPC. Though the alleged offences are non bailable in nature they are exclusively triable by this court. Further alleged offences are neither punishable with death nor imprisonment with life. When the accused is having permanent abode bail cannot be rejected as matter of punishment. Hence, this Court felt that the accused has to be released. The apprehension of the APP may be curtailed by imposing the conditions. Accordingly, I proceed to pass the following:

ORDER

The bail application filed by the accused under section 437 of Cr.P.C. is hereby allowed

on executing personal bond of Rs.50,000/- with surety like sum along with conditions mentioned herein:

CONDITIONS

01. The accused shall not tamper or hamper the prosecution witness.
02. The accused shall not leave the jurisdiction of this court without prior permission.
03. The accused shall appear before the Court regularly.
04. The accused shall not commit any kind of offence.
05. The accused shall deposit cash surety of Rs.5,000/-.

For production of surety.

Call on hearing date i.e., 16-10-2024.

Sd/-

Senior Civil Judge and JMFC,
Honnavar.