

Case is advanced on board.

Accused No.2 present.

Shri.VRN Advocate filed
Vakalath and Bail Application for
Accused No.2.

The Ld. APP filed objections
to the bail petition.

Heard both sides.

Call at 5-00 P.M. and passed
the following;

**ORDER ON BAIL APPLICATION FILED FOR
ACCUSED No.2 U/SEC.437 OF Cr.P.C.**

Shri. VRN Advocate for Accused No.2 filed S/A, D/S along with Aadhar card of surety seeking bail application U/Sec.437 of Cr.P.C for the offences punishable U/Sec.8(c) and U/Sec.20(B)(II) (b) of NDPS Act 1985 and sought for release of accused No.2 on bail for the grounds mentioned therein.

2. The state has filed objections and prayed for rejecting the application for the grounds mentioned therein.

3. Heard both the sides and perused the material on record.

4. The following points arise for my consideration:

- 1) Whether the accused No.2 has made out grounds for grant of bail U/sec.437 of Cr.P.C.?
- 2) What order ?

5. My answer on the above points are as under;

Point No.1 : In the affirmative,

Point No.2 : As per the final order for the following;

REASONS

6. **Point No.1:** The Honavar police have registered a case against the accused No.2 is alleging the offences punishable U/Sec.8(c) and U/Sec.20(B)(II) (b) of NDPS Act 1985.

The complainant has lodged the complaint against the accused No.2 on 05-02-2021 The Ld. counsel appearing for the accused No.2 contended that he has been falsely implicated in the instant case and they are innocent of the offences alleged against him and therefore prayed for

releasing the accused No.2 on bail. Though the offence alleged U/Sec.8(c) and U/Sec.20(B)(II) (A) of NDPS Act 1985 is non-bailable in nature but is not punishable with death or imprisonment for life and moreover the said offences are triable by this Court. Keeping in view the submission made by the Ld. counsel for the accused No.2 and the fact of accused person being the resident of Kasarkod, Honnavar and there is no chance of her absconding in future. If the accused No.2 is kept behind the bar no purpose will be served and also it is not the case of the prosecution that the accused No.2 is required for investigation purpose. Hence, having regard to the objections raised by prosecution in my considered view the apprehension of the prosecution can be met with by imposing conditions while releasing the accused No.2 on bail. Accordingly, with these observations, I answer point No.1 in the affirmative.

7. **Point No.2:** For the aforesaid reasons, I proceed to pass the following;

ORDER

The bail application filed by the accused No.2 is hereby allowed and the accused No.2 is enlarged on bail on his executing P/B for a sum of Rs.50,000/- with one surety for the likesum, on the following;

CONDITIONS

1. Accused No.2 shall not tamper or terrorise the prosecution witnesses in any manner.
2. Accused No.2 shall appear before the Court regularly on all dates of hearing.
3. If the accused No.2 violates any one of the conditions imposed on them, the prosecution is at liberty to seek for

cancellation of bail in accordance with law.

Prl. Civil Judge & JMFC, Honnavar.

Accused No.2 intends to offer surety. One Surety by name Sahirabanu Mohammed Ali kapsi @ Shayirabanu Bin Isoob Basha, Aged about 59 yrs, Occupation: Household, R/o. Tonk-2, Kasarkod, Tq: Honnavar has offered to stand as surety for release of accused No.2. She has filed his affidavit with application u/s 441(a) of Cr.P.C., along with RTC bearing RA No 9999/P3 to the extent of 00-01-03 is being owned by surety situated at Kasarkod village of Honavar Tq and produced copy of Aadhar Card. His Surety is fit and accepted.

Office to take bonds.

For: HBC

Call on regular date.

Prl.CJ and JMFC.,
Honavar.