

Case called out.

Accused No.1 is present.

Accused No.1 produced from JC to VC. Hence, JC is extended till 05-02-2026.

Counsel Sri A.S.M., advocate filed memo of appearance of accused No.1 along with bail application U/Sec.437 of Cr.PC.

Learned APP filed objection to bail application U/Sec. 437 of Cr.PC

Heard both side counsels on bail application U/Sec. 437 of Cr.PC

**ORDER ON BAIL APPLICATION UNDER
SECTION 437 of Cr.PC., FILED ON
BEHALF OF THE ACCUSED No. 1**

In the bail application, it is averred that, accused No.1 is innocent person and he has not committed any offence as alleged by the police officials. Further stated that, the offences alleged against the accused No.1 punishable U/Sections 379, 429 R/w 34 of IPC and 4,5,7,12 and 11(D) prevention of Cow Slaughter Act and 192 of IMV Act. The said offence is triable by this court. Further contended that, alleged offence is non bailable offence but not punishable with death or imprisonment of life. Further, counsel for the accused No.1 submits that the

accused No.1 is ready to obey any conditions imposed by this court, hence, prays for allow the said application.

2. On the other hand, the learned A.P.P. has filed objection, wherein stated that accused No.1 is committed offences punishable U/Sections 379, 429 R/w 34 of IPC and 4,5,7,12 and 11(D) prevention of Cow Slaughter Act and 192 of IMV Act. Further this offence is non-bailable in nature. There are other cases pending against the accused No.1. If this court grants the bail to the accused No.1 then he may abscond and hamper the prosecution witness. Hence, prays to reject the bail application filed by the accused No.1.

3. Heard the argument of both the counsels and perused the materials available on record.

4. The only point that arises for my consideration is:

1. Whether the accused No.1 is entitled for the bail?
2. What order?

5. My answer to the above points are as follows:

Point No.1: In the **Affirmative.**

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

REASONS

6. **Point No.1:** This court has considered the above bail application along with the objection filed by the learned A.P.P. After perusal it reveals that the offence alleged against accused No.1 is punishable U/Sections 379, 429 R/w 34 of IPC and 4,5,7,12 and 11(D) prevention of Cow Slaughter Act and 192 of IMV Act. Which are non-bailable in nature.

However, though the alleged offence is non bailable in nature, the same are not punishable with death or imprisonment of life. Further the said offence is triable by this Court only. The appearance of accused No.1 before the court can be secured without any hurdles.

The apprehensions of the prosecution can safeguarded by imposing suitable conditions. Moreover, police officials have already completed the investigation and filed charge sheet before the court.

On the other hand, the accused No.1 made out valid grounds for enlarging on bail. The grounds urged by the prosecution do not appear sufficient and satisfactory for denying the right of the accused persons to be enlarged on bail.

The accused No.1 is ready to offer surety for their release on bail and abide by the conditions which would be imposed on them. Hence, by imposing stringent conditions, the apprehension of prosecution would be safeguarded and as such, accused No.1 is entitled for the bail. In the

light of foregoing discussions, this court is opinion that the accused No.1 is entitled to be enlarged on bail. **Hence, I answer point No.1 in the Affirmative.**

7. Point No.2 :- As per the following:-

ORDER

The bail application filed by the counsel for the accused No.1 U/Sec. 437 of Cr.PC., is hereby allowed.

The accused No.1 enlarged on bail on executing personal bond for sum of Rs. 50,000/- with one surety for the like-sum with the following conditions:

1. The accused No.1 shall not tamper or terrorize the prosecution witnesses.
2. The accused No.1 shall not leave the jurisdiction of this court without prior permission.
2. The accused No.1 shall appear before the court on all adjourned dates.
3. The accused No.1 shall not commit any type of similar offenses.

Re-issue NBW to Accused No.2

For Surety

Call on 27-01-2026.

SD/-

**Addl. Civil Judge & JMFC.,
Honnavar.**