

Case advanced on board and called out and passed the following;

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

Shri.UBN/MNS Advocates filed vakalath and bail application for accused person along with S/A, D/S, RTC extract along with Aadhaar Card of surety seeking bail application U/Sec. 437 of Cr.P.C along with 70(2) of Cr.P.C on behalf of accused No.2 for the offence punishable U/Sec. 4, 5, 7, 12 of the Karnataka Prevention of Slaughter and

perseveration of cattle ordinance and 11(1)(A)(D)(E) prevention of Cruelty to Animals Act and 192(A) of IMV act and sought for release of accused 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 complainant has lodged the complaint against the accused person. The Ld. counsel appearing for the accused contended that he has been falsely implicated in the instant case and he is innocent of the offences alleged against him and therefore prayed for releasing the accused on bail. Though the offence alleged U/Sec. 4, 5, 7, 12 of the Karnataka Prevention of Slaughter and perseveration of cattle ordinance and 11(1)(A)(D)(E) prevention of Cruelty to Animals Act and 192(A) of IMV act 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 and the fact of accused No.2 being the resident of Heggarane, Siddapura, and there is no chance of his 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 person 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 is enlarged on bail on his executing P/B for a sum of Rs.50,000/- with two sureties 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. The accused shall co-operate to IO for Investigating this case.
4. If the accused No.2 violates any one of the conditions imposed on him, the prosecution is at liberty to seek for

cancellation of bail in accordance with law.

Prl Civil judge & JMFC,Honnavar.

Accused intends to offer surety. One Surety by name Nagu Timma Gouda, Aged about 60 yrs, Occupation: Agriculturist, R/o.Kadabagere, Gijagini, Tq: Siddapura,Uttara Kannada district has offered to stand as surety for release of accused No.2. He has filed his affidavit with application u/s 441(a) of Cr.P.C., along with RTC bearing RA No 22/5 to the extent of 00-14-03 is being owned by surety situated at Gijagini village of Siddapura Tq and produced copy of Aadhar Card. His Surety is fit and accepted.

Another Surety by name Ganapati Timma Gouda, Aged about 51 yrs, Occupation:Agriculturist,R/o.Kadabagere, Gijagini, Tq: Siddapura,Uttara Kannada district has offered to stand as surety for release of accused No.2. He has filed his affidavit with application u/s 441(a) of Cr.P.C., along with RTC bearing RA No 21/1 to the extent of 00-13-10 is being owned by surety situated at Gijagini village of Siddapura Tq and produced copy of Aadhar Card. His Surety is fit and accepted.

Office to take bond accordingly.

NBW issued against accused No.2 is recalled on penalty of Rs 100/-.

call on hearing date.

Sd/-

Prl Civil judge & JMFC,Honnavar.